

AGENDA

COMMITTEE ON LANDS AND BUILDINGS

November 15, 2016
Aldermen Long, Shaw,
Cavanaugh, Herbert, Pappas

4:30 p.m.
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Long calls the meeting to order.
2. The Clerk calls the roll.
3. Communication from Brian Pratt, Project Manager - CLD Consulting, requesting easements on YDC property.
Ladies and Gentlemen, what is your pleasure?
4. Communication from Denis Mailloux, Principal of Trinity High School, requesting permission to install an electronic sign in the median in front of the school.
Ladies and Gentlemen, what is your pleasure?
5. Discussion regarding City-owned Liberty Street property.
(Note: Communication from the City Assessor is attached.)
6. Request to purchase City-owned property on Groveland Avenue, Map 492 Lot 20.
Ladies and Gentlemen, what is your pleasure?

TABLED ITEMS

(A motion is in order to remove any item from the table.)

7. Request to purchase City-owned property located at Tax Map 356, Lot 1A, behind 399 Silver Street.
(Note: Retabled 8/16/16; Attached is a communication from the Planning & Community Development Department regarding revocable licenses and a map identifying physical encroachments in the City-owned corridor and communication from the Environmental Protection Division recommending the City retain ownership of the land.)
8. Communication from Marc Pinard, Brady Sullivan General Counsel, submitting a request to purchase land comprising of Plaza Drive.
(Note: Tabled 12/14/15; additional information to come from City staff and Brady Sullivan Properties.)
9. Communication from Mike Lanoie of the Derryfield Restaurant, requesting changes to the property and approval of the amended management agreement.
(Note: Attached is documentation from the Highway Department and draft of the addendum to the Management Agreement. Tabled 6/28/16; revised contract to be submitted.)
10. If there is no further business, a motion is in order to adjourn.



November 2, 2016

Manchester Committee of Lands and Buildings
Via: City Clerk – City of Manchester
One City Hall Plaza
Manchester, NH 03101

Re: Proposed Easement on YDC Property
CLD Reference No. 14-0190

Dear City Clerk;

We have received conditional approval from the Planning Board for a subdivision of land off of River Road into 25 residential building lots. As part of this proposal drainage improvements within River Road are necessary. These improvements outlet onto the YDC Land and require a drainage easement from the State of NH to benefit the City of Manchester. The scope of the work is removing one pipe and lowering another to provide a pipe that meets city standards, and minor regrading and stabilization of the existing stormwater swale. The stormwater peak flow will be reduced or remain the same so no adverse impact is expected.

We ran the easements by city departments and the City Solicitor for review and they have been approved with the exception of some language required by the State of NH. We understand that the committee is required to review these easements to accept them, particularly the specific language the indemnity clause (section 3.3).

Please add to your next available agenda's for necessary approvals. Attached is a copy of the easement, a copy of the subdivision plan, and an aerial photo explaining the location.

Very truly yours,

Brian A Pratt, P.E.
Project Manager

Upon Recording Return to:

Sheehan Phinney Bass & Green, PA
1000 Elm Street
Manchester, New Hampshire 03101
Attn: Kenneth A. Viscarello, Esq.

EASEMENT DEED
(Drainage and Construction)

KNOW ALL MEN BY THESE PRESENTS that the STATE OF NEW HAMPSHIRE, a body corporate and politic, acting by and through its Department of Health and Human Services pursuant to RSA 10:4, as authorized by the Governor and Executive Council on _____, 2016 (Meeting Agenda Item # _____), having a mailing address of New Hampshire Department of Health and Human Services, Office of the Commissioner, 129 Pleasant Street, Concord, New Hampshire 03301 (hereinafter "Grantor"), for consideration paid, grants to the CITY OF MANCHESTER, a New Hampshire municipal corporation, having principal offices at One City Hall Plaza, Manchester, New Hampshire 03101 (hereinafter "Grantee") with QUITCLAIM COVENANTS upon the conditions hereafter set forth the easements contained herein.

1. Recitals.

1.1 Grantor is the owner of certain land located in Manchester, Hillsborough County, New Hampshire, located on the west side of River Road, with an address of 1056 River Road and known as the Sununu Youth Services Center campus (formerly "YDC" or the "State Industrial School"), Tax Map 420, Lot 1.

1.2 The Grantor wishes to grant to Grantee a drainage easement to flow drainage from Grantee's abutting property, said property being the public roadway and right-of-way corridor known as River Road, onto Grantor's property and a temporary construction easement as more fully set forth herein.

2. Grant of Easements. Grantor, for consideration paid, hereby grants to Grantee, its successors and assigns, with Quitclaim Covenants, the following:

2.1 The perpetual, nonexclusive easement, privilege, and right to keep and maintain pipes and to drain from Grantee's property onto that twenty foot (20') by forty foot (40') area described in Exhibit "A" attached hereto (the "Easement Area") for the purpose of transporting and draining storm and other waters from Grantee's property, and to construct, lay, inspect, maintain, operate, alter, repair, renew and remove in whole or in part at any time drain pipes and other drainage facilities and to excavate for any of the above purposes, and upon reasonable prior notice to the Grantor, to enter, pass, and repass

by foot, vehicle or machinery for any of the above purposes. Together with the right to trim, cut down and remove bushes, trees, vegetation and other plant growth on the Easement Area as, and to such extent, in the reasonable judgment of the Grantee, as necessary for any of the above purposes. Provided, however, in the exercise of said rights the Grantee shall not, in the reasonable judgment of the Grantor, disturb, interfere with or impede the Grantor's use of the remainder of the Grantor's Property outside the Easement Area. Such exercise shall in all instances be in conformity and compliance with any and all existing or future federal, state and/or local laws and regulations. In exercising said rights, the Grantee shall not do unnecessary damage to the Easement Area or other property of Grantor and shall restore any disturbed land, utilities, landscaping and other improvements, including pavement (if any) and striping (if any) to the condition which existed before work began.

2.2 The easements and rights set forth in Section 2.1, above, are hereby conveyed together with a temporary easement for Grantee, its successors, assigns and contractors, to enter onto other land of Grantor adjacent to the Easement Area as also described on Exhibit A, hereto (the "Construction Easement"), as is reasonably necessary, to carry out the construction of the structures, facilities, improvements and appurtenances contemplated by Section 2.1, above during the construction of the so-called "Manning Hill" development; provided, however, the Grantee performing work shall, at its sole cost and expense, restore said other land of Grantor, as nearly as possible, to its condition existing prior to the time of said construction activities. The Construction Easement shall terminate automatically, without the need for any further action by any party, two (2) years after the date hereof.

3. Construction, Structures and Indemnification.

3.1 Grantee shall be responsible for all costs associated with constructing and maintaining any of the above mentioned structures, facilities, improvements and/or appurtenances in the Easement Area.

3.2. Grantor shall not place any buildings or other structures or obstructions within the Easement Area or Construction Easement Area which would hinder or interfere with purposes of this Easement.

3.3 The Grantee agrees to defend, indemnify and hold harmless the Grantor from any loss, damage, injuries or other casualty to the person or property or anyone arising out of or resulting from a particular Grantee's exercise of its rights hereunder in the Easement Area and the Construction Easement Area, or the performance of—or any failure to perform—its obligations in the Easement Area or Construction Easement Area.

4. Runs with the Land. Except for the temporary Construction Easement granted herein (which shall run with the land but is not perpetual), this Easement Deed and the rights and privileges granted hereby are perpetual and shall run with the land.

5. Binding Nature. The easements, covenants and conditions herein shall be binding upon and/or to the benefit of the parties hereto, their agents, successors, assigns, customers, tenants, patrons, invitees and licensees.
6. Multiple Counterpart Originals. This Easement Deed may be executed in multiple counterpart originals.
7. The rights granted herein are conveyed subject to any rights, liens, restrictions, and encumbrances of record.
8. The rights granted herein are not homestead property.
9. Pursuant to RSA 78-B:2, I, the within transfer is exempt from the real estate transfer tax imposed by RSA Chapter 78-B.

IN WITNESS WHEREOF, the parties have executed this Easement Deed this ____ day of _____, 2016.

GRANTOR:

STATE OF NEW HAMPSHIRE
By and through its
DEPARTMENT OF HEALTH AND HUMAN
SERVICES

Witness

By: _____
Jeffrey A. Myers, Commissioner

GRANTEE:

CITY OF MANCHESTER

Witness

By: _____
Name:
Title:

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2016 by Jeffrey A. Myers, the duly authorized Commissioner of the Department of Health and Human Services of the State of New Hampshire, a New Hampshire body corporate and politic.

Notary Public/ Justice of the Peace

(Seal, if any)

My Commission Expires:_____

STATE OF NEW HAMPSHIRE
COUNTY OF _____

This instrument was acknowledged before me on this ____ day of _____, 2016 by _____, the _____ of the City of Manchester, a New Hampshire municipal corporation.

Notary Public/ Justice of the Peace

(Seal, if any)

My Commission Expires:_____

EXHIBIT A

All that piece or parcel of property situated in the City of Manchester, County of Hillsborough, State of New Hampshire, shown as "Drainage Easement Area" and "Temp. Construction Easement," respectively, within "Tax Map 420 Lot 1" on Sheet 1 of 2 of a plan entitled "Tax Map 216 Lot 2 & 3, Manning Hill, River Road, Manchester, NH, Subdivision & Consolidation Plan" dated June 6, 2016; revised August 31, 2016; prepared by CLD Consulting Engineers, Inc.; said plan to be recorded in the Hillsborough County Registry of Deeds; bounded and described as follows:

EASEMENT AREA:

Beginning at a point on the westerly sideline of River Road; said point being South 50°19'54" West a distance of 57.28 feet from the easterly sideline of River Road at its intersection with the division line between land now or formerly of Michael J. Murphy (Tax Map 219 Lot 1A) on the north and land now or formerly of Manning Hill, LLC (Tax Map 216 Lot 2) on the south; said point also being the southeasterly corner of the parcel herein described;

Thence South 79°31'30" West a distance of 20.00 feet;

Thence North 10°28'30" West a distance of 40.00 feet;

Thence North 79°31'30" East a distance of 20.00 feet to the westerly sideline of River Road;

Thence along said westerly sideline of River Road, South 10°28'30" East a distance of 40.00 feet to the point of beginning.

Being 800 square feet or 0.018 acres, more or less.

CONSTRUCTION EASEMENT:

A contiguous strip of land 10 feet in width parallel with and adjoining the westerly and northerly sidelines of the Easement Area more particularly described as follows:

Beginning at the southwesterly corner of the Easement Area;

Thence South 79°31'30" West a distance of 10.00 feet;

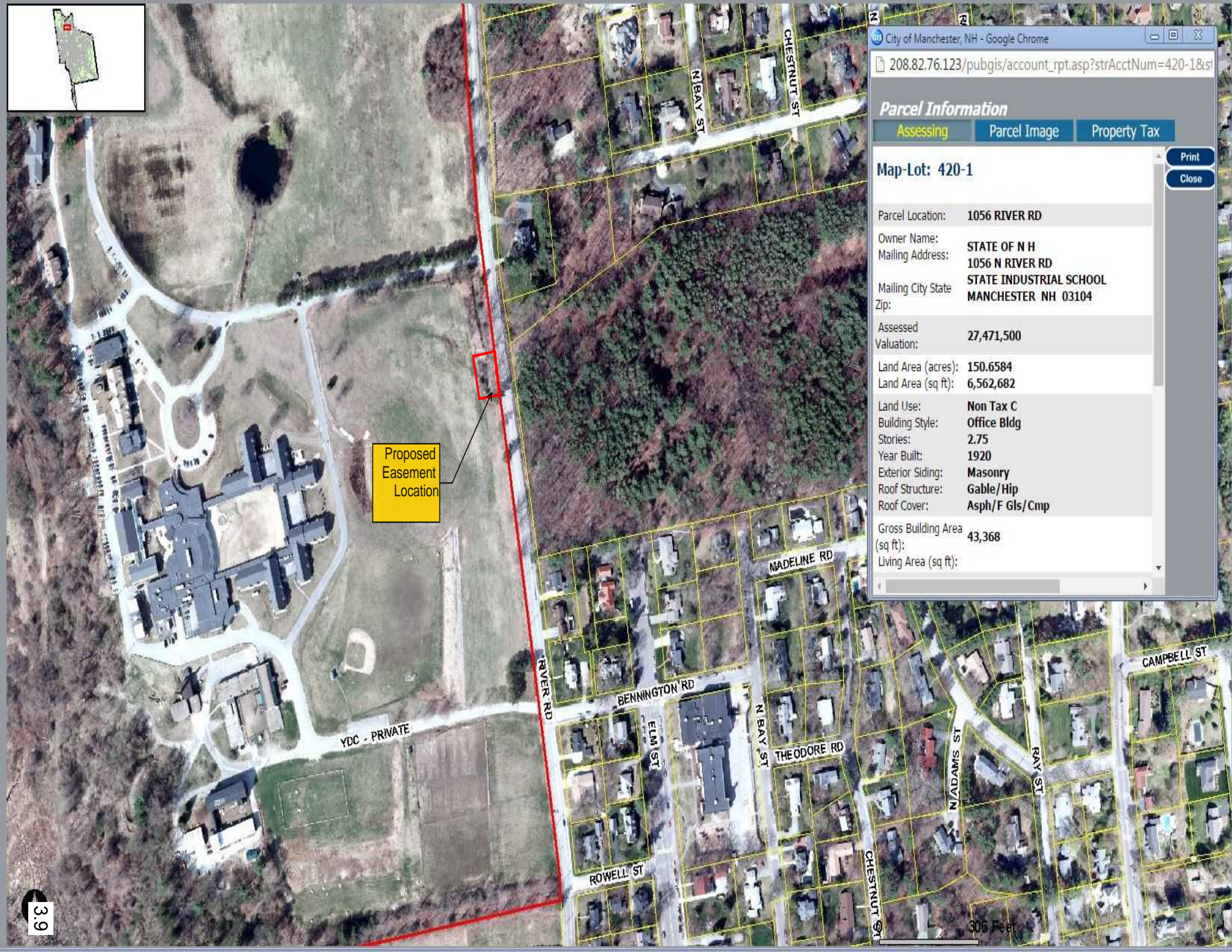
Thence North 10°28'30" West a distance of 50.00 feet;

Thence North 79°31'30" East a distance of 30.00 feet to the westerly sideline of River Road;

Thence along said westerly sideline of River Road, South 10°28'30" East a distance of 10.00 feet to the northerly sideline of the Easement Area;

Thence along said Easement Area on the following courses: South 79°31'30" West a distance of 20.00 feet; South 10°28'30" East a distance of 40.00 feet to the point of beginning.

Being 700 square feet or 0.016 acres, more or less.



City of Manchester, NH - Google Chrome

208.82.76.123/pubgis/account_rpt.asp?strAcctNum=420-1&st

Parcel Information

Assessing Parcel Image Property Tax

Map-Lot: 420-1

Parcel Location: 1056 RIVER RD

Owner Name: STATE OF N H

Mailing Address: 1056 N RIVER RD
STATE INDUSTRIAL SCHOOL

Mailing City State: MANCHESTER NH 03104

Zip:

Assessed Valuation: 27,471,500

Land Area (acres): 150.6584

Land Area (sq ft): 6,562,682

Land Use: Non Tax C

Building Style: Office Bldg

Stories: 2.75

Year Built: 1920

Exterior Siding: Masonry

Roof Structure: Gable/Hip

Roof Cover: Asph/F Gls/Cmp

Gross Building Area (sq ft): 43,368

Living Area (sq ft):

Proposed
Easement
Location

YDC - PRIVATE

RIVER RD

BENNINGTON RD

ROWELL ST

ELM ST

N BAY ST

THEODORE RD

MADELINE RD

CHESTNUT ST

N ADAMS ST

RAY ST

CAMPBELL ST

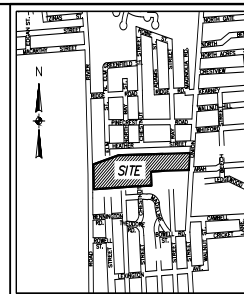
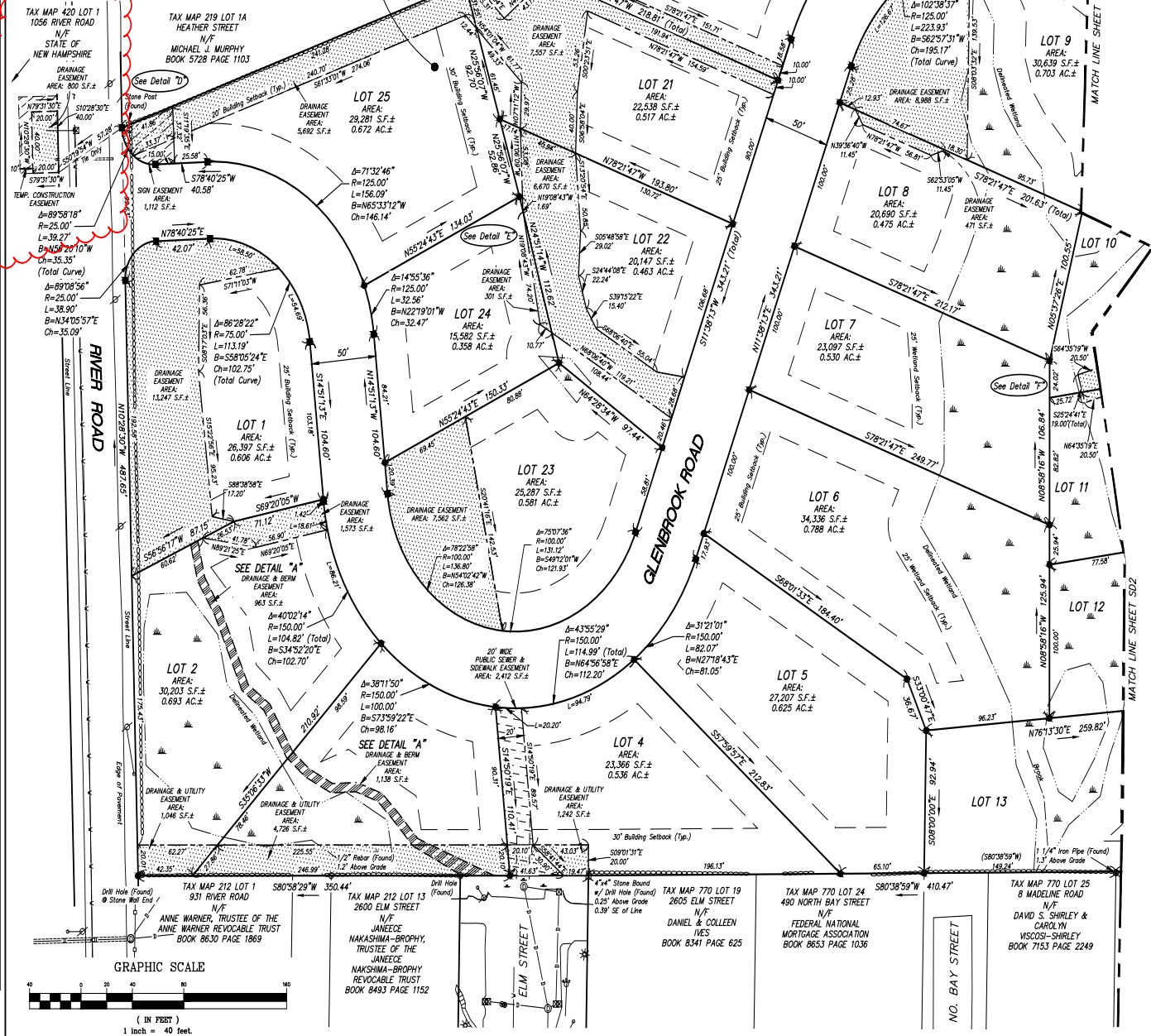
306 Feet

REFERENCE PLANS

- 1) "A" PLAN OF LOTS IN MAPLEHURST IN MANCHESTER N.H. FOR THE NO. END REALTY CO. INC., DATED JANUARY 1946, BY GEORGE C. BENJAMIN C.E., H.C.R.D. PLAN NO. 161.
- 2) "THE CREST" - LAND OWNED BY GEORGE H. BROWN, RECORDED SEPTEMBER 21, 1921, BY FRANK A. GAY, C.E., H.C.R.D. PLAN NO. 337.
- 3) "LAND OF GEORGE H. BROWN IN MANCHESTER N.H.", DATED FEBRUARY 1924, BY GAY & POWELL, C.E., H.C.R.D. PLAN NO. 353.
- 4) "CONSOLIDATION & SUBDIVISION PLAN - 1053 RIVER ROAD MANCHESTER, NEW HAMPSHIRE - PREPARED FOR MARY K. MURPHY", DATED AUGUST 31, 1989, BY ALLAN H. SWANSON, INC., H.C.R.D. PLAN NO. 2492.
- 5) "CONSOLIDATION & RESUBDIVISION PLAN - PRISCILLA M. SULLIVAN TRUST - MAP 216 LOTS 1, 2 & 3 UNION STREET & RIVER ROAD MANCHESTER, N.H., DATED MAY 12, 1995, BY RISLAND ENGINEERING INC., H.C.R.D. PLAN NO. 27513.
- 6) "LOT LINE ADJUSTMENT PLAN FOR JOYCE S. KORTISS - TAX MAP 216 LOT 1 - 1300 UNION STREET & MANNING HILL, LLC - TAX MAP 216 LOT 2 - RIVER ROAD MANCHESTER, NEW HAMPSHIRE, DATED MAY 1, 2006, LAST REVISED DECEMBER 7, 2005, BY JOSEPH M. WICKERT, L.L.S., INC., H.C.R.D. PLAN NO. 34485.

7) "BOUNDARY PLAN - BOUNDARY SURVEY - MAP 221 LOT 4 - ELLEN REYNOLDS REVOCABLE TRUST, 195 HEATHER STREET MANCHESTER, HILLSBOROUGH COUNTY, NEW HAMPSHIRE, DATED JULY 8, 2008, BY HOLDEN ENGINEERING & SURVEYING, INC., H.C.R.D. PLAN NO. 36154.

TAX MAP 216 LOT 2
N/F
MANNING HILL, LLC
BOOK 5637 PAGE 1310
837,830 S.F.±
19.234 AC.±

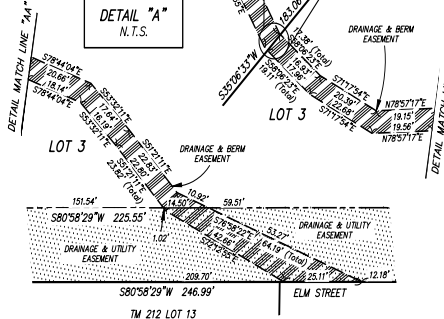


LEGEND

- Rebar w/ Cap To Be Set
- Granite Bound To Be Set
- Granite Bound Found
- Iron Pin Found
- Iron Pipe Found
- Axle Found
- Drill Hole Found
- Sewer Manhole
- Drain Manhole
- Catch Basin
- Sewer Line
- Drain Line
- Water Line
- Stone Wall
- Hydrant
- Water Valve
- Guy Wire
- Utility Pole
- Wellhead
- Sign

DETAIL "A"

N.T.S.



CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY AND HAS A MAXIMUM ERROR OF CLOSURE OF 1 IN 10,000 ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION AND/OR ACCURACY REQUIREMENTS FOR SURVEY CLASSIFICATION "1" AS SET FORTH IN TABLE 501.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSES FOR LAND SURVEYORS, EFFECTIVE 1/1/08.

DATE:

GREGORY S. BROWN, LLS #849

FOR AND ON BEHALF OF CLO

CONSULTING ENGINEERS, INC.

RESERVED FOR CONDITIONS OF APPROVAL

RESERVED FOR CITY APPROVAL

NO.	DATE	REVISION
1.	6/15/16	GENERAL REVISIONS.
2.	6/22/16	REVISE LOTS 11, 12 & 13-19.
3.	7/6/16	ADD WATER & ELECTRIC SERVICE INFORMATION FOR T.M. 216 LOT 3, REVISE NOTE #.
4.	9/21/16	ADD EASEMENTS, REVISE LOTS & RIGHT-OF-WAY.

CONSULTING ENGINEERS, INC.
 545 CONNOR ROAD, SUITE 101
 MANCHESTER, NH 03101
 (603) 688-8233 FAX: (603) 688-8802
 cde@cldeengineers.com
 www.cldeengineers.com

CLIENT: PATRICIA MEYERS, CHARLES SULLIVAN, & C/O SHEDDEN WITH INGLETON GREEN
 1000 W. 10TH STREET
 MANCHESTER, NH 03101

DEED: TAX MAP 216 LOT 2
 MANNING HILL, LLC
 1000 W. 10TH STREET
 MANCHESTER, NH 03101
 BOOK 5637 PAGE 1310

TAX MAP 216 LOT 2 & 3
MANNING HILL
RIVER ROAD
MANCHESTER, NH
SUBDIVISION & CONSOLIDATION PLAN

SHEET 1 OF 2

SCALE: 1" = 40'

DATE: 6/6/16

JOB NO. 14-0190

DWG. SD1

SEE NOTES SHEET SD2



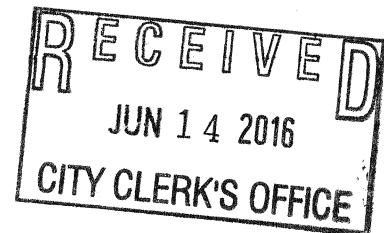
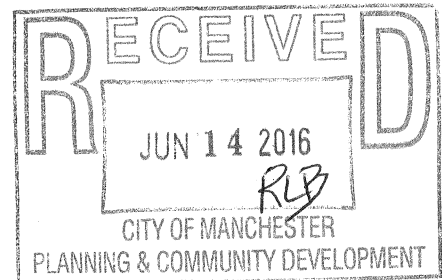
TRINITY HIGH SCHOOL

581 BRIDGE STREET • MANCHESTER, NEW HAMPSHIRE 03104-5395
TEL. (603) 668-2910 • FAX (603) 668-2910 • WWW.TRINITY-HS.ORG

Ext. 211

June 6, 2016

Mr. Matthew Normand
Office of the City Clerk
One City Hall Plaza
Manchester, NH 03101

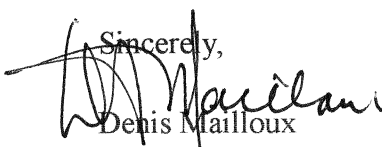


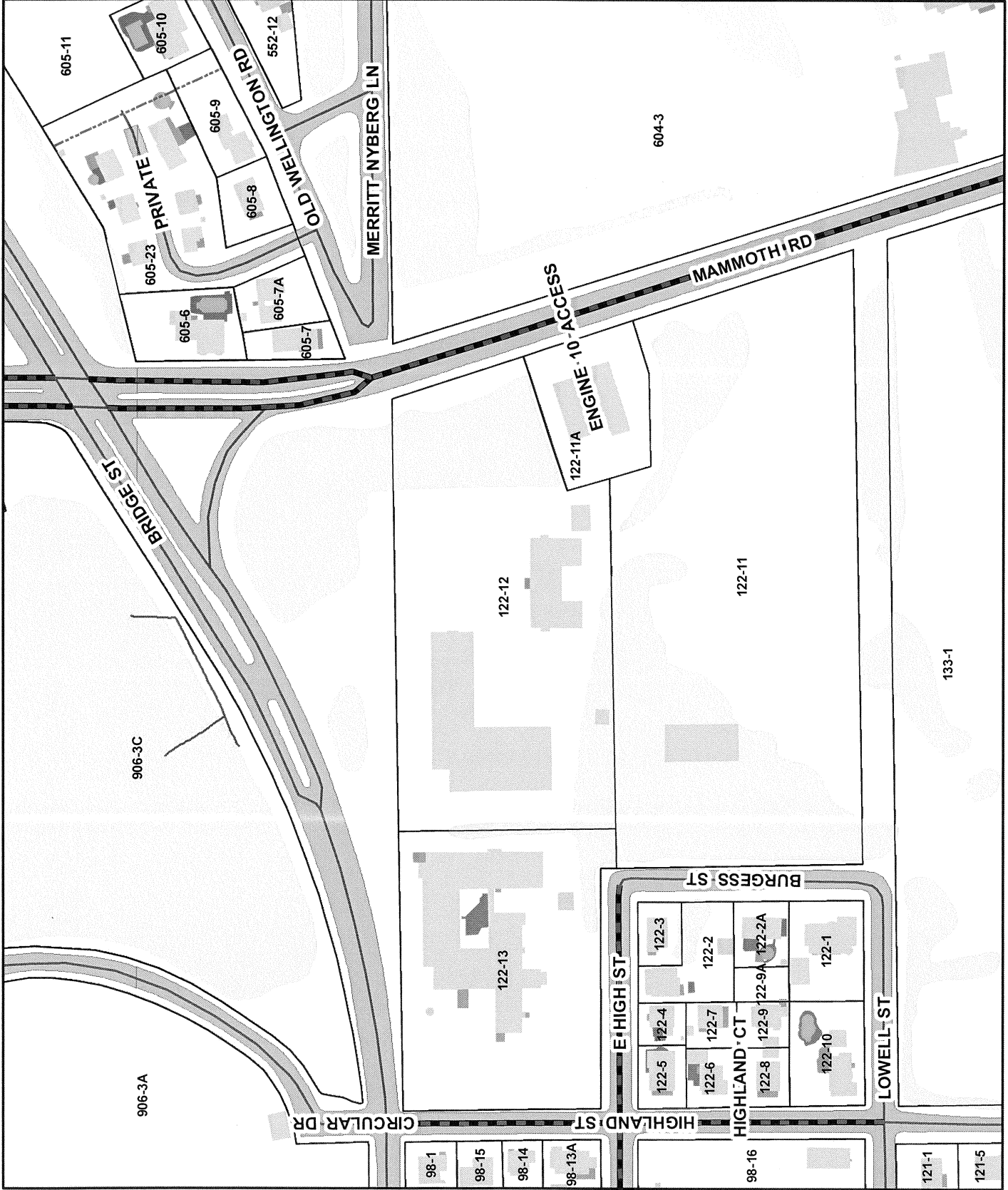
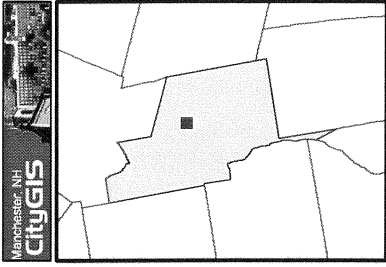
Dear Mr. Normand:

I am writing to request permission to install an electronic sign on the "island" directly in front of our school. At this time, we have not developed a detail plan for the size of the sign nor for the nature of the installation. Should we be allowed to proceed with this project, we would certainly work with you and/or designee as to the size and design of the structure so as to enhance the appearance of the area for both the school and the city.

Thank you for your consideration.

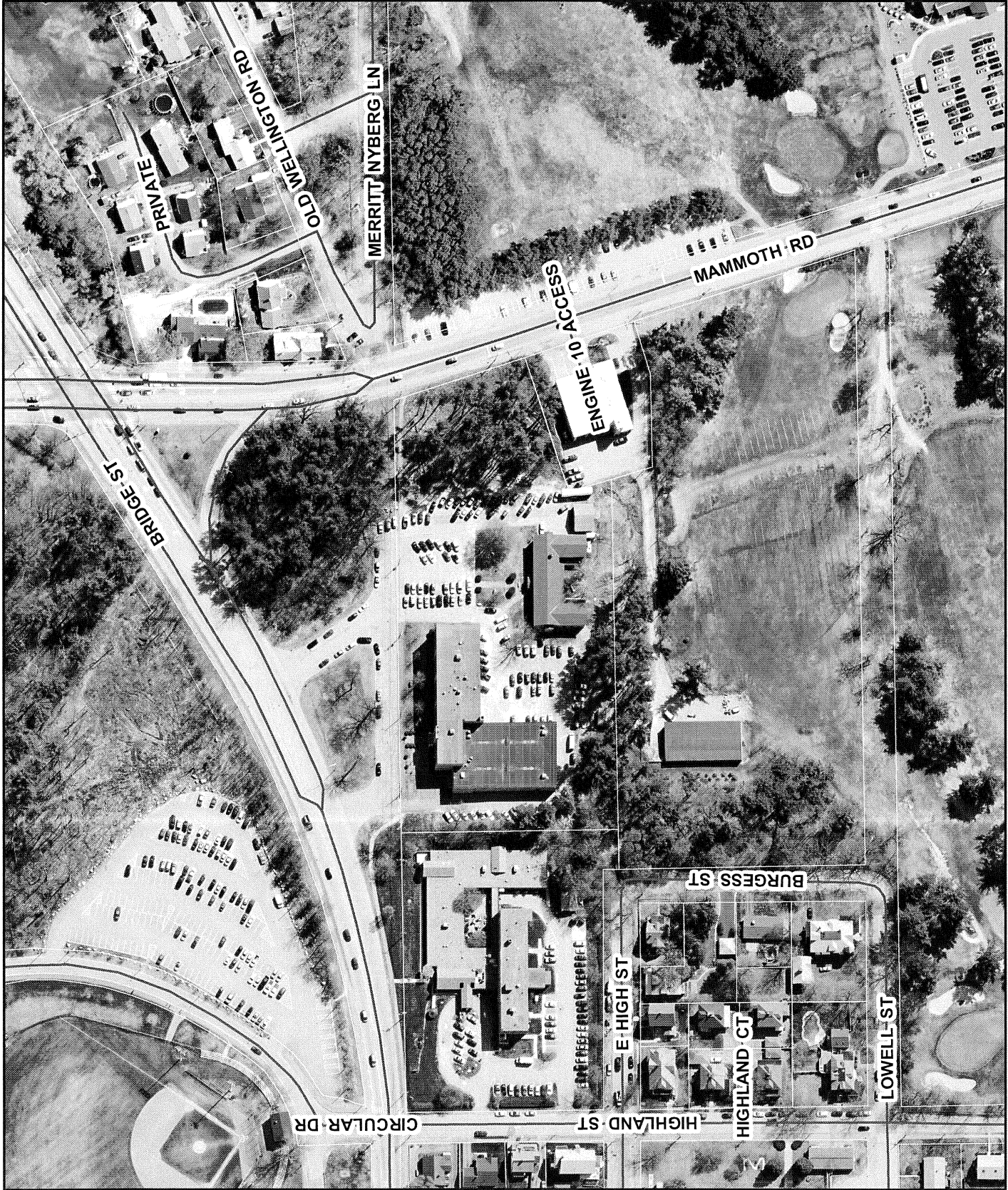
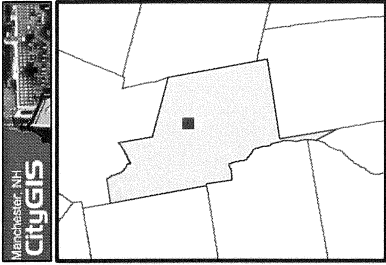
Sincerely,


Denis Mailloux
Principal



DISCLAIMER

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From: [Gagne, Glenn](#)
To: [Normand, Matthew](#)
Subject: RE: Trinity Sign Request
Date: Tuesday, June 14, 2016 11:28:59 AM

Matt,

I would suggest checking with the Highway Department to be certain the land is the responsibility of the State and not the City of Manchester. They might also be able to steer you in the direction of a contact, if not maybe check with the Assessor's Office to see if they know who at the State to contact regarding State owned land. If the land is owned by either the State or the City of Manchester and Trinity is able to obtain approval to erect a sign on the land, then I would say no permit would be required through our department as we do not issue permits for signs erected on right-of-ways.

Glenn R. Gagne, Zoning Review Officer

CITY OF MANCHESTER, NH

PLANNING & COMMUNITY DEVELOPMENT

One City Hall Plaza, Manchester, NH 03101

(603) 624-6450, Ext. 6754 (Office)

(603) 792-6754 (Direct Dial)

ggagne@ManchesterNH.gov

From: Normand, Matthew
Sent: Tuesday, June 14, 2016 10:51 AM
To: Gagne, Glenn
Subject: Trinity Sign Request

Glenn,

Who should Trinity be contacting at the State? Should they receive State approvals, does the City need to review/approve the proposed sign?

Matt

Matthew Normand

City Clerk

Office of the City Clerk

One City Hall Plaza

Manchester, NH 03101

T:(603) 792-6630 F:(603) 624-6481

www.manchesternh.gov/cityclerk

The Right-To-Know Law (RSA 91-A) provides that most e-mail communications, to or from City employees and City volunteers regarding the business of the City of Manchester, are government records available to the public upon request. Therefore, this email communication may be subject to public disclosure.



CITY OF MANCHESTER Board of Assessors

One City Hall Plaza, West Wing
Manchester, New Hampshire 03101
Tel: (603) 624-6520 – Fax: (603) 628-6288
Email: assessors@ci.manchester.nh.us
Web: www.ManchesterNH.Gov



Robert J. Gagne, Chairman
Michael W. Hurley

Lisa Turner
Assistant to Assessors

To: Chairman Patrick Long, Committee on Lands & Buildings
From: Board of Assessors
Date: May 5, 2016
Re: Map 25, Lot 32 / 11 Liberty St / City Owned Multi-Family Property
Request to Value Property

The Assessors have completed an analysis of the estimated market value of the above-referenced property. The following is a summary of important facts and the value estimate:

Property Location	11 Liberty St
Assessors Map/Lot	Map 25, Lot 32
Property Owner	City of Manchester
Deed Book/Page	Bk 5788 - Pg 411
Date Acquired	February 5, 1997 / Not a Tax deeded parcel
Improved/Vacant	Multi Family Residence (Three Family)
Total Land Area	5,400 square feet
Current Zoning	R-2 / Residential Two Family
Overlay District	N/A
Easements / Restrictions	Deeded: None known Program: Possible CDBG restrictions
Estimated Value	To be disclosed in non-public session (RSA 91-A:3 II(d))
Comments	Three family structure in need of renovations. Neighborhood is a mix of single and multi-family homes. Subject site is serviced by all public utilities. Recommend discussion of value in non-public session (RSA 91-A:3 II(d)).

Respectfully,

Robert J. Gagne
Chairman



To the Alderman of Manchester NH,

My name is Samantha Button and I live at 181 Groveland Ave, Manchester NH 03104. I am looking to acquire a piece of a parcel next to my home that is available. The reason for wanting a piece of the parcel is because I don't have a back yard and I am looking to expand my side yard. I would like to increase the value of my home and make the yard look better. The parcel the way it is now is an eye sore to the neighborhood and when our house was built it looks like dirt and rocks were thrown there. I would like to know if it is possible for me to buy a piece of the property next door to my house. It looks like the property line to the vacant area goes up to my neighbor's home and I do not want to own that close to neighbor and their house. I would like to know what the next steps are and would like to get the process started. I am available to talk or meet in person if that is possible.

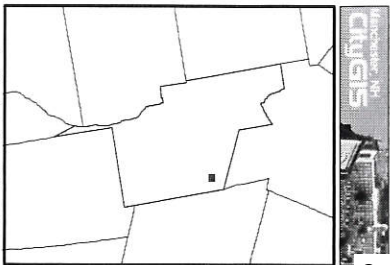
There are two lots available in between both my neighbors I. I am interested in part of the parcel that is the larger not the one that is only 10 or 15 feet. I am looking to buy only 30-40 feet of the larger parcel.

Thank you,

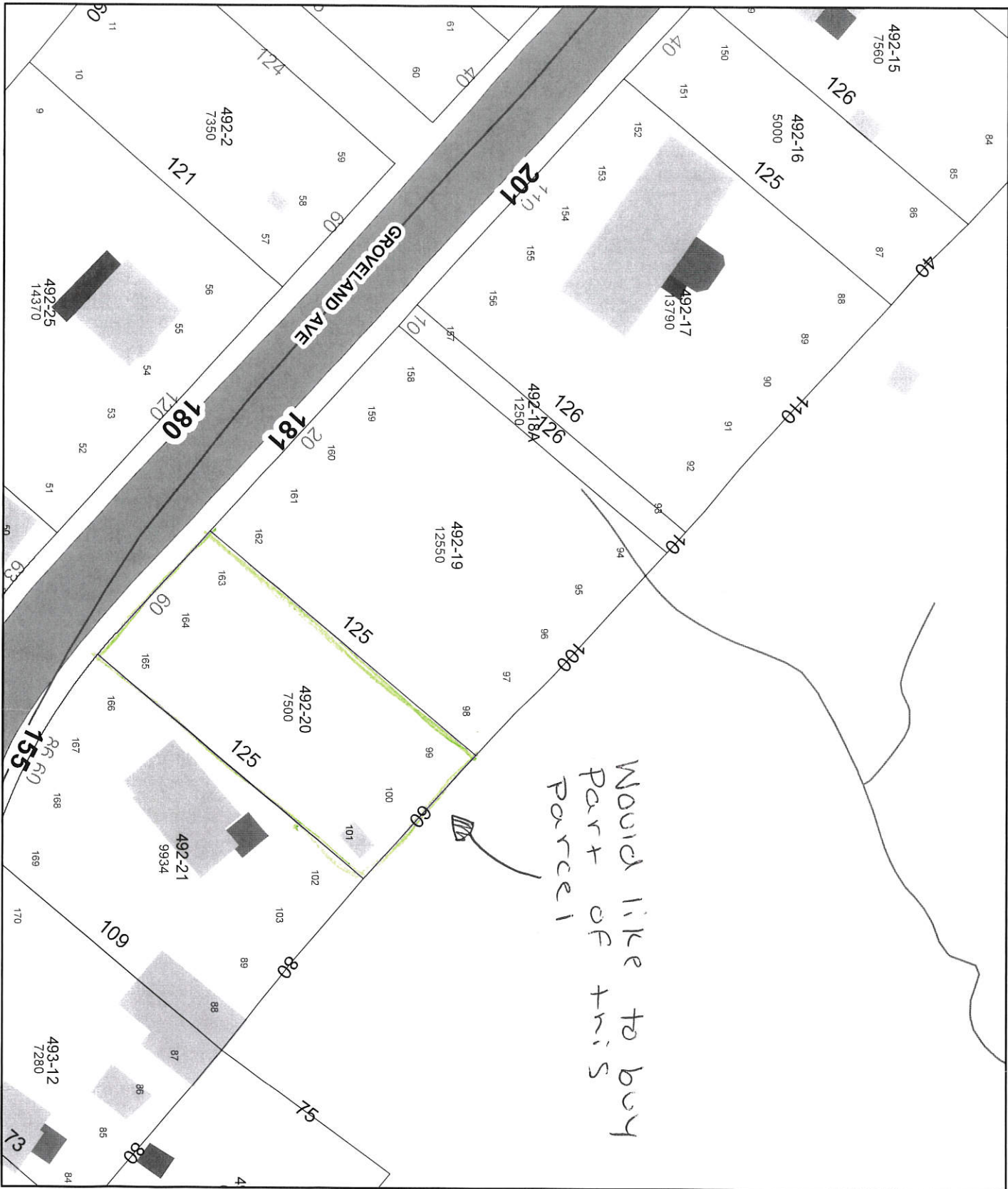
Samantha Button
Curtis Button
603-781-8884
181 Groveland Ave,
Manchester, NH 03104

A handwritten signature in black ink, appearing to be "Samantha Button", with a long, sweeping horizontal line extending to the right.

A handwritten signature in black ink, appearing to be "Curtis Button", with a long, sweeping horizontal line extending to the right.



Area Map Showing Extent Of Map At Left



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Robert J. Gagne, Chairman
Michael W. Hurley

Lisa Turner
Assistant to Assessors

To: Chairman Patrick Long, Committee on Lands & Buildings
From: Board of Assessors
Date: October 12, 2016
Re: Map 492, Lot 20 / Groveland Av / City Owned Vacant Land
Request to Value Property

The Assessors have completed an analysis of the estimated market value of the above-referenced property. The following is a summary of important facts and the value estimate:

Property Location	Groveland Av
Assessors Map/Lot	Map 492, Lot 20
Property Owner	City of Manchester
Deed Book/Page	2208/268 (Tax Deed)
Date Acquired	4/28/1972
Improved/Vacant	Vacant
Total Land Area	7,500 square feet
Current Zoning	Residential R-1A / One Family
Overlay District	N/A
Easements / Restrictions	None known
Estimated Value	To be disclosed in non-public session (RSA 91-A:3 II(d))
Comments	Vacant parcel located in a residential neighborhood off Candia Rd. The subject parcel has frontage (60 feet) and area (7,500 square feet) less than required in the R-1A Zoning District (100 feet and 12,500 square feet) The subject parcel is considered unbuildable.

Respectfully,

Robert J. Gagne, CNHA, NHCG
Chairman

Attachments:

- Property Card
- GIS Parcel Map
- GIS Zoning Map
- GIS Aerial Photo Map (2010)

Property Location: GROVELAND AV
Vision ID: 14114

Account #3437548

MAP ID:0492/ / 0020/ /

Bldg #: 1 of 1

Bldg Name:

Sec #: 1 of 1

Card 1 of 1

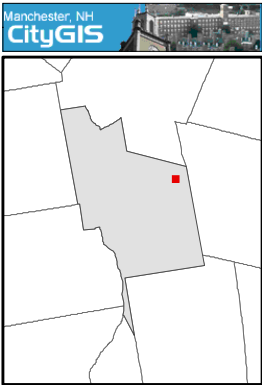
State Use:9030

Print Date:10/12/2016 09:53

CURRENT OWNER				TOPO.		UTILITIES		STRT./ROAD		LOCATION		CURRENT ASSESSMENT								2017 MANCHESTER, NH VISION				
CITY OF MANCHESTER TAX COLLECTOR ONE CITY HALL PLAZA MANCHESTER, NH 03101 Additional Owners:				4	Rolling	2	Public Water	3	Unpaved	1	Urban	Description		Code		Appraised Value		Assessed Value						
						7	Electric					EXM LAND		9030		13,100		13,100						
				SUPPLEMENTAL DATA																				
				Other ID: Land Adjust NO Voided NO Total SF 7500 Zone Frontage/Dep No GIS ID: 492-20				RAD OR CADCAD = 700 Callback Ltr Sketch Note NONE Land Class T Parcel Zip 03104 ASSOC PID#						Total		13,100		13,100						
RECORD OF OWNERSHIP				BK-VOL/PAGE		SALE DATE		q/u	v/i	SALE PRICE		V.C.	PREVIOUS ASSESSMENTS (HISTORY)											
CITY OF MANCHESTER TAX COLLECTOR				2208/ 268		04/28/1972				0			Yr.	Code	Assessed Value		Yr.	Code	Assessed Value		Yr.	Code	Assessed Value	
													2016	9030	13,100		2015	9030	11,400		2014	9030	11,400	
													Total:		13,100		Total:		11,400		Total:		11,400	
EXEMPTIONS				OTHER ASSESSMENTS								This signature acknowledges a visit by a Data Collector or Assessor												
Year	Type	Description		Amount		Code	Description		Number	Amount												Comm. Int.		
Total:																								
ASSESSING NEIGHBORHOOD														APPRaised VALUE SUMMARY Appraised Bldg. Value (Card) 0 Appraised XF (B) Value (Bldg) 0 Appraised OB (L) Value (Bldg) 0 Appraised Land Value (Bldg) 13,100 Special Land Value 0 Total Appraised Parcel Value 13,100 Valuation Method: C Adjustment: 0 Net Total Appraised Parcel Value 13,100										
NBHD/ SUB		NBHD NAME		STREET INDEX NAME		TRACING		BATCH																
320/A																								
NOTES																								
BUILDING PERMIT RECORD										VISIT/ CHANGE HISTORY														
Permit ID		Issue Date		Type	Description		Amount		Insp. Date	% Comp.	Date Comp.		Comments		Date		Type	IS	ID	Cd.	Purpose/Result			
															12/06/2005 08/31/2005 10/31/2000				DP AM MT	00 00 14	Meas & Int Insp. Meas & Int Insp. Other			
LAND LINE VALUATION SECTION																								
B #	Use Code	Use Description		Zone	Frontage	Depth	Units	Unit Price	I. Factor	S A		C. Factor	ST. Idx	S.I. Adj.	Notes- Adj	Rec Y/N	CU Cond	Special Pricing		Adj. Unit Price	Land Value			
1	9030	TOWN VAC					7,500 SF	10.11	1.0000	1		0.15	320	1.15	CF=UNBUILDABLE	N	0.000			1.74	13,100			
6.4																								
Total Card Land Units:							0.17	AC	Parcel Total Land Area:					0.17	AC	Total Land Value:							13,100	

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)																								
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description																					
Model	00		Vacant																									
				MIXED USE																								
				Code	Description						Percentage																	
				9030	TOWN VAC						100																	
				COST/MARKET VALUATION																								
				Adj. Base Rate:								0.00																
				Replace Cost								0																
				AYB																								
				EYB								0																
				Dep Code																								
				Remodel Rating																								
				Year Remodeled																								
				Dep %																								
				Functional ObsInc																								
External ObsInc																												
Cost Trend Factor								1																				
Condition																												
% Complete																												
Overall % Cond																												
Apprais Val																												
Dep % Ovr								0																				
Dep Ovr Comment																												
Misc Imp Ovr								0																				
Misc Imp Ovr Comment																												
Cost to Cure Ovr								0																				
Cost to Cure Ovr Comment																												
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)																												
Code	Description		Sub	Sub Descript	L/B	Units	Unit Price	Yr	Gde	Dp	Rt	Cnd	%Cnd	Apr	Value													
BUILDING SUB-AREA SUMMARY SECTION																												
Code	Description				Living Area		Gross Area		Eff. Area		Unit Cost		Undeprec. Value															
6.5																												
Ttl. Gross Liv/Lease Area:					0		0		0																			
																No Photo On Record												

No Photo On Record

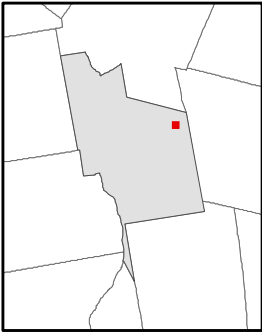
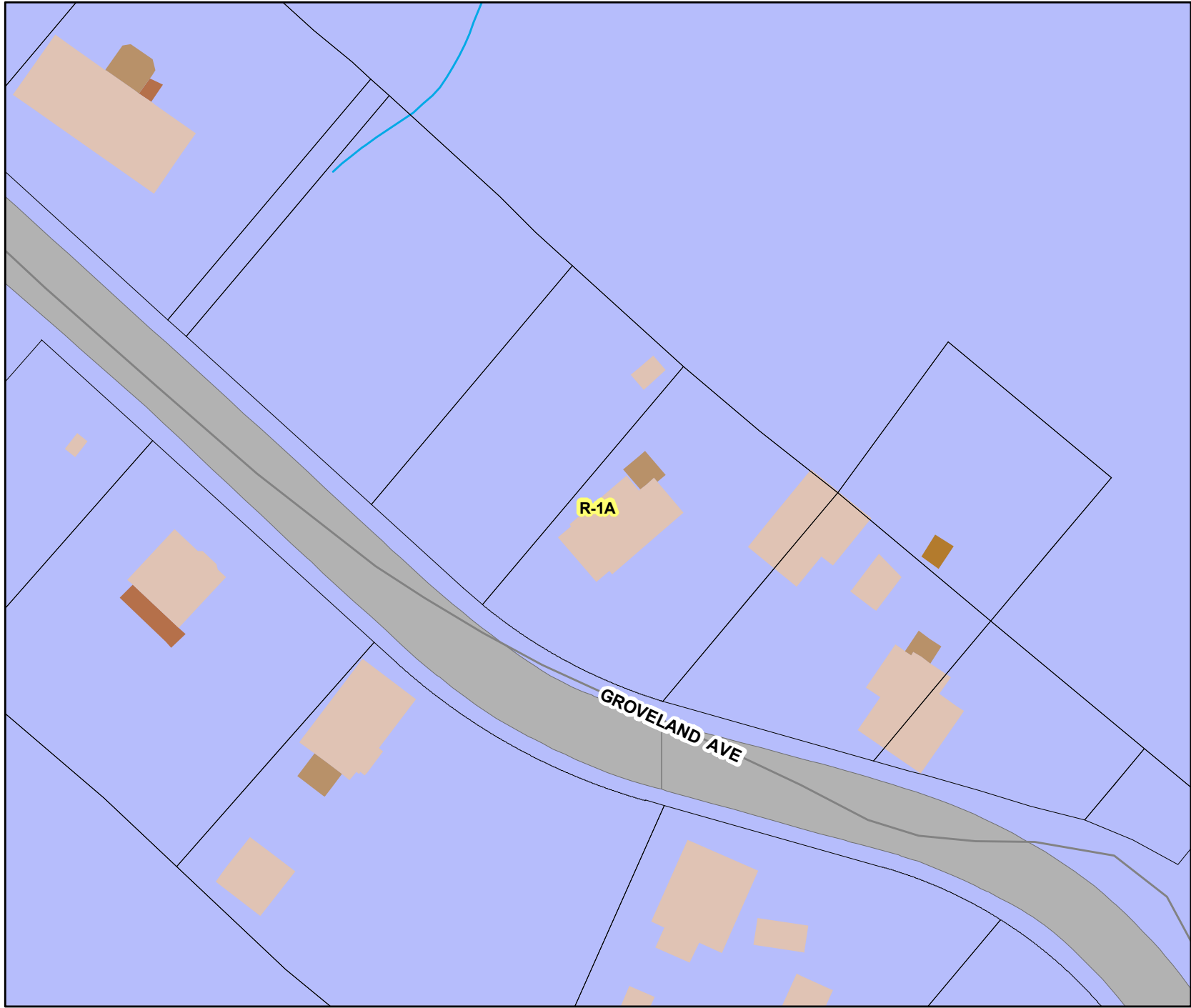


Area Map Showing Extent Of Map At Left



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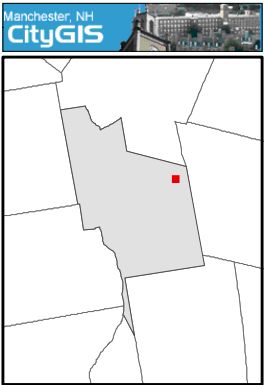


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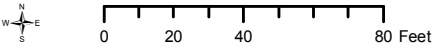


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CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Planning & Land Use Management
Building Regulations
Code Enforcement Division
Community Improvement Program
Zoning Board of Adjustment

Leon L. LaFreniere, AICP
Director

Pamela H. Goucher, AICP
Deputy Director Planning & Zoning

Matthew M. Sink
Deputy Director Building Regulations

October 26, 2016

Alderman Patrick Long, Chairman
Committee on Lands and Buildings
Board of Mayor and Aldermen
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Private-sector request to acquire City-owned parcel on Groveland Avenue, Lot 492-20

Dear Alderman Long and Members of the Committee:

The City has received a request to purchase part of a City-owned parcel, identified as lot 492-20, on Groveland Avenue. The purpose of this letter is to provide a response from the Planning and Community Development Department (PCD), pursuant to Sections 34.15 – 25 of the Code of Ordinances.

PCD recommends that it would be in the City's interest to return this tax-deeded parcel to the private sector. There appears to be no public purpose to which the lot would reasonably be put, and sale of the lot would not be inconsistent with the Master Plan. Although retaining the lot would provide secondary access to the City-owned lots behind it, the City owns multiple parcels along Groveland Avenue, so selling this one would not eliminate such access. See attached map.

PCD also recommends declining the petitioners' request to sell only a part of lot 492-20 and, instead, selling the entire lot to the petitioners. For the City to sell only part of the lot, there would need to be a subdivision, which would require a survey, Planning Board approval, and a recording of the plot plan. Further, the other abutter to lot 492-20 appears to have built a shed on the lot and may want to work with the petitioners on where to draw the subdivision line. It would be simpler and less expensive for the City to sell the entire lot to the petitioners and allow them to pursue a subdivision on their own.

PCD also recommends that a restriction be placed on the sale of lot 492-20 that it shall be merged with the petitioners' lot, lot 492-19. As presently configured, lot 492-20 does not meet the zoning requirements of the R-1A District. It is a goal of the Zoning Ordinance and Planning Board regulations to eliminate nonconforming lots, when possible. The petitioners stated in their request that they intend to use the lot for additional lawn space, so this restriction should not cause a problem.

If the Committee is inclined to return the parcel to the private sector, please note that Section 34.21 of the Code of Ordinances requires that City-owned lots must first be declared "surplus" and then disposed of by general public sale, such as by public auction.

If you have any questions, staff from this department will be available at your meeting.

Sincerely,

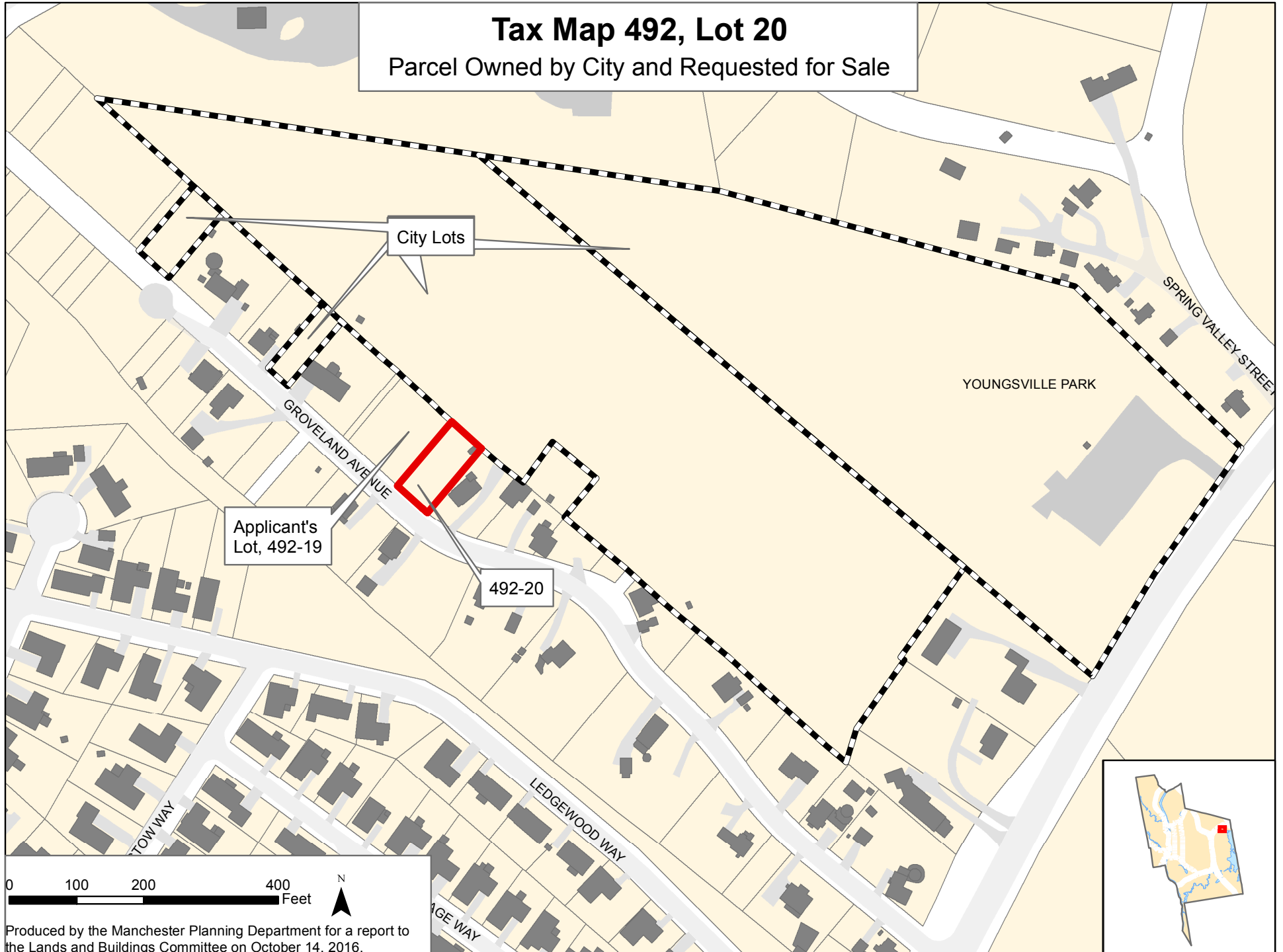
A handwritten signature in blue ink, appearing to read "Jeff Belanger", with a long horizontal flourish extending to the right.

Jeffrey Belanger, AICP
Senior Planner

Cc: Kevin Sheppard, PE, Director of Public Works

Tax Map 492, Lot 20

Parcel Owned by City and Requested for Sale



Produced by the Manchester Planning Department for a report to the Lands and Buildings Committee on October 14, 2016.

*Brenda Masewic Adams, CTC
Tax Collector*



*Barbara Emery, CDTC
Deputy Tax Collector*

CITY OF MANCHESTER TAX COLLECTOR

Memorandum

DATE: October 13, 2016
TO: Committee on Lands & Buildings
FROM: Brenda Masewic Adams, Tax Collector
RE: Map 0492, Lot 0020, Groveland Ave

As requested, the following contains information regarding property located at:
Groveland Ave

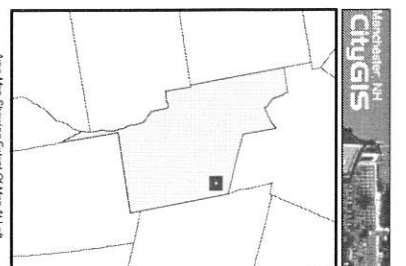
Map/Lot: 0492/0020
Back Taxes: 0.00
Tax Deeded: 04/28/1972
Book/Page: 2208/0268

I do not have any objections to the disposition of this property.

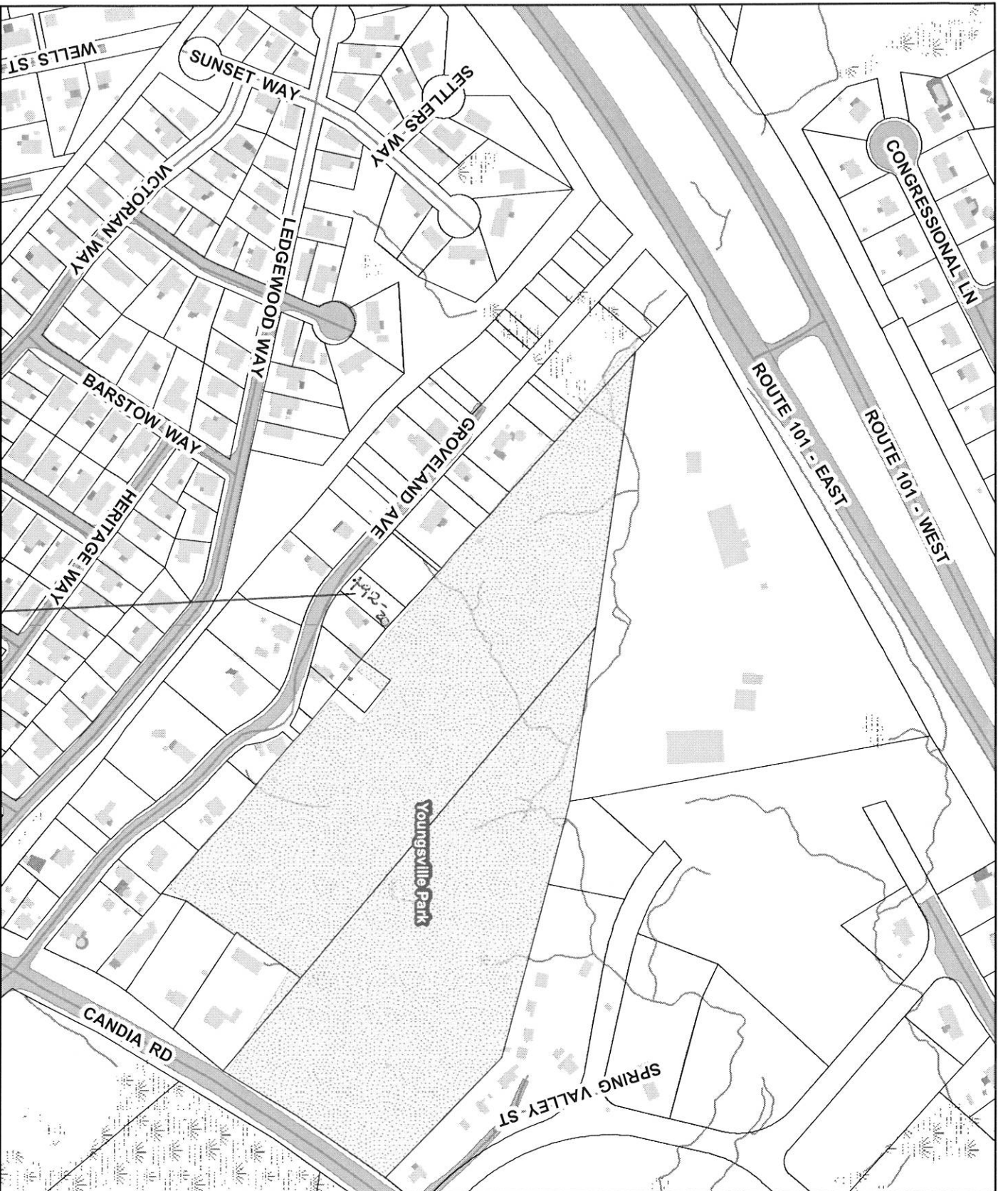
The Notice to Former Owner to Repurchase (RSA 80:89) does not apply in this case as it was tax deeded prior to the effective date of the Statute.

However, the Parks and Recreation Division may have interest in this parcel since the lot *may* give access to the neighborhood park – Youngsville Park.

See attached GIS view of area.



Area Map Showing Extent Of Map At Left



ML - 492/20

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Know all Men by these Presents:

That I, Felix A. Catala Collector of Taxes for the City of MANCHESTER, in the County of Hillsborough and State of New Hampshire, for the year 30 72 by the authority in me vested by the laws of the State, and in consideration of

— ONE DOLLAR —

to me paid by the City of MANCHESTER, Do hereby sell and convey to the said CITY of MANCHESTER, its heirs and assigns, a certain tract or parcel of land situated in Manchester aforesaid, and described by the Assessors as follows, to wit:

Lots 163 to 165 Groveland Ave

Unofficial Document

Unofficial Document

Formerly taxed under the name of Paul Doyon

The whole of the above real estate ~~was~~ bought by the City Solicitor of Manchester, N. H., in favor of the said CITY of MANCHESTER, N. H., at a Tax Collector land sale held at the City Hall in said CITY of MANCHESTER, N. H., on the nineteenth day of May one thousand nine hundred and ninety-nine and I do hereby covenant with said CITY of MANCHESTER, its heirs and assigns forever. And I do hereby covenant with said CITY of MANCHESTER that its making sale of the same I have in all things complied with the law, and that I have good right, so far as that right may depend upon the regularity of my own proceedings, to sell and convey the same in the manner aforesaid,

In Witness Whereof, I have hereunto set my hand and seal, the twenty-eighth day of April, in the year of our Lord one thousand nine hundred and seventy-two

Signed, Sealed and Delivered in the presence of:

Unofficial Document

Felix A. Catala Tax Collector.

STATE OF NEW HAMPSHIRE, Hillsborough, SS.

April 28, 1972

Personally appearing Felix A. Catala Collector of Taxes above named, and acknowledged the foregoing instrument to be his voluntary act and deed. Before me

Ralph E. Galt

City of Manchester, NH - CityGIS Map Viewer
Parcel Information Printable View**Print****Map-Lot: 492-20****Close**

Parcel Location:	GROVELAND AVE
Owner Name:	CITY OF MANCHESTER TAX COLLECT
Mailing Address:	ONE CITY HALL PLAZA
Mailing City State Zip:	MANCHESTER NH 03101
Assessed Valuation:	13,100
Land Area (acres):	.1722
Land Area (sq ft):	7,500
Land Use:	Town Vac
Building Style:	
Stories:	
Year Built:	n/a
Exterior Siding:	
Roof Structure:	
Roof Cover:	
Gross Building Area (sq ft):	
Living Area (sq ft):	
Rooms:	
Bedrooms:	
Bathrooms:	
Interior Walls:	
Interior Flooring:	
Heating Fuel:	
Heating System:	
Air Conditioning:	
Sale Date:	Apr 28, 1972
Sale Price:	\$0
Book/Page:	2208/ 268
Last Updated Date:	Mar 27, 2015

Parcel Image

GROVELAND AV

Location

GROVELAND AV

Mblu

0492/ / 0020/ /

Owner

CITY OF MANCHESTER TAX COLLECT

Assessment

\$13,100

Building Count

1

Current Value

Assessment	
Valuation Year	Total
2016	\$13,100

Owner of Record

Owner

CITY OF MANCHESTER TAX COLLECT

Co-Owner

Sale Price

\$0

Certificate

Book & Page

2208/ 268

Sale Date

04/28/1972

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
CITY OF MANCHESTER TAX COLLECT	\$0		2208/ 268	04/28/1972

Building Information

Building 1 : Section 1

Year Built:

Living Area:

0

Replacement Cost

Less Depreciation:

\$0

Building Attributes	
Field	Description
Style	Vacant Land
Stories:	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure:	
Roof Cover	

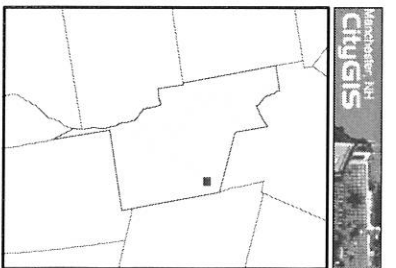
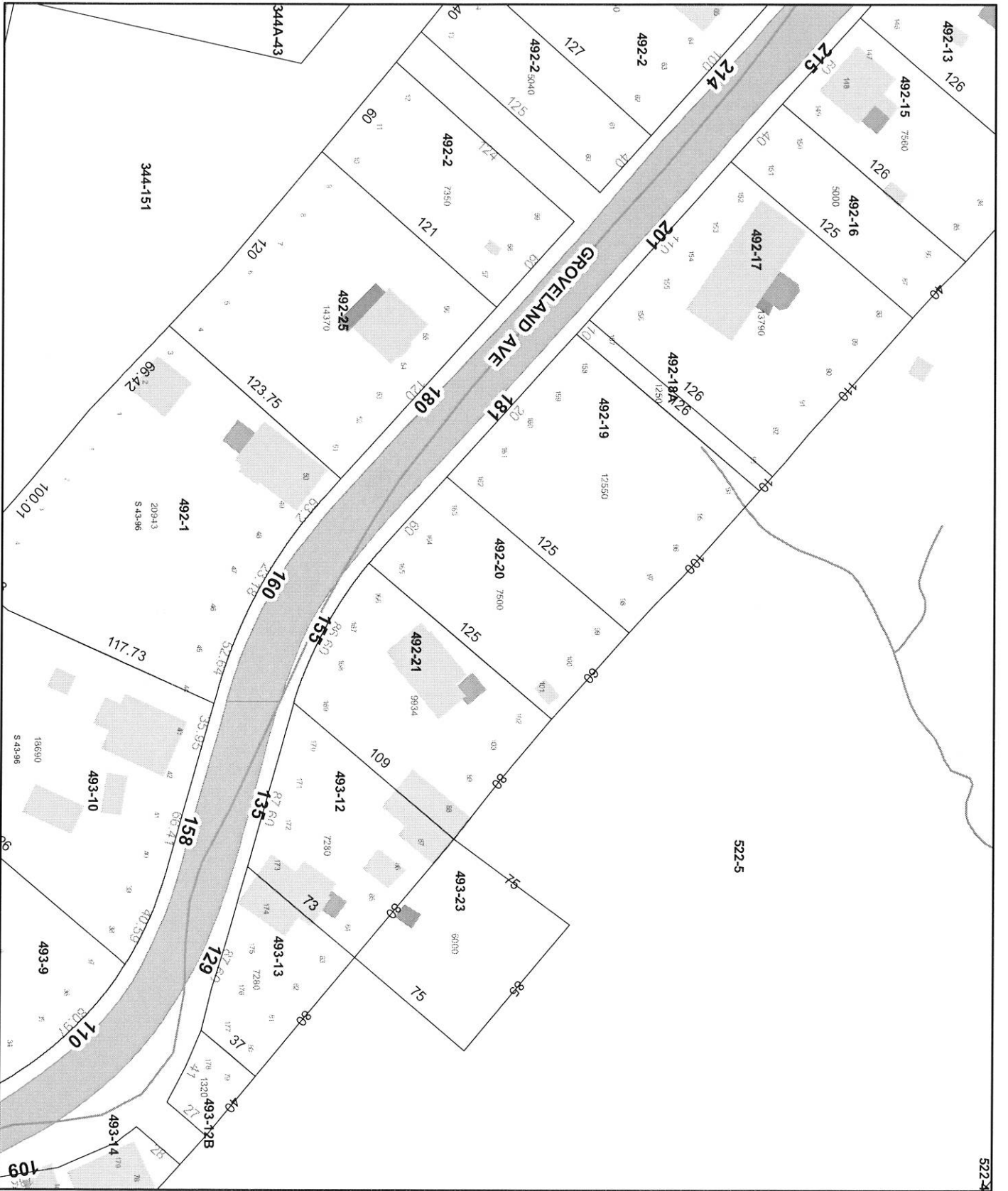
Building Photo



(<http://images.vgsi.com/photos/ManchesterNHPhotos//default>) 6.16

Building Layout

522-4



Air Map Showing Extent Of Map At Left



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Kevin A. Sheppard, P.E.
Public Works Director

Timothy J. Clougherty
Deputy Public Works Director

Frederick J. McNeill, P.E.
Chief Engineer



Commission
Hal Sullivan
Rick Rothwell
Bill Skouteris
Toni Pappas
Patrick Robinson

CITY OF MANCHESTER
Department of Public Works
Environmental Protection Division

September 12, 2016

Lands and Building Committee
c/o City Clerk
One City Hall Plaza
Manchester, NH 03101

Subject: **Recommendation to Retain City Ownership
of Railroad Corridor at 399 Silver Street**

Dear Committee Members,


As we discussed at your recent August 16th meeting, the Environmental Protection Division (EPD) respectfully recommends that the rail corridor along 399 Silver Street be retained in City ownership. The EPD has long standing infrastructure plans for this rail corridor that will be in direct conflict with the private sale and use of this parcel.

As mandated by the Environmental Protection Agency, the EPD developed a master plan to address combined sewer overflows (CSOs) on the city's east side. This plan was developed in 2010 working in close collaboration with several city departments including Planning and Community Development, Parks and Recreation, and the DPW. A key master plan recommendation is the use of this railroad corridor from Elm Street to Mammoth Road to relocate Cemetery Brook the city's main drainage channel (please see Figure No. 1 attached). The relocation of Cemetery Brook will be one of the largest construction projects the city has ever undertaken with large volume box culverts installed up to 25-ft deep. Design work for this project is scheduled to start in 2017. Construction at this Silver Street location is scheduled to start in eight to ten years. After construction is completed, EPD plans to restore this rail corridor as a walking/bike trail to complement the city's ongoing rail-to-trail program (please see Figure No. 2 attached).

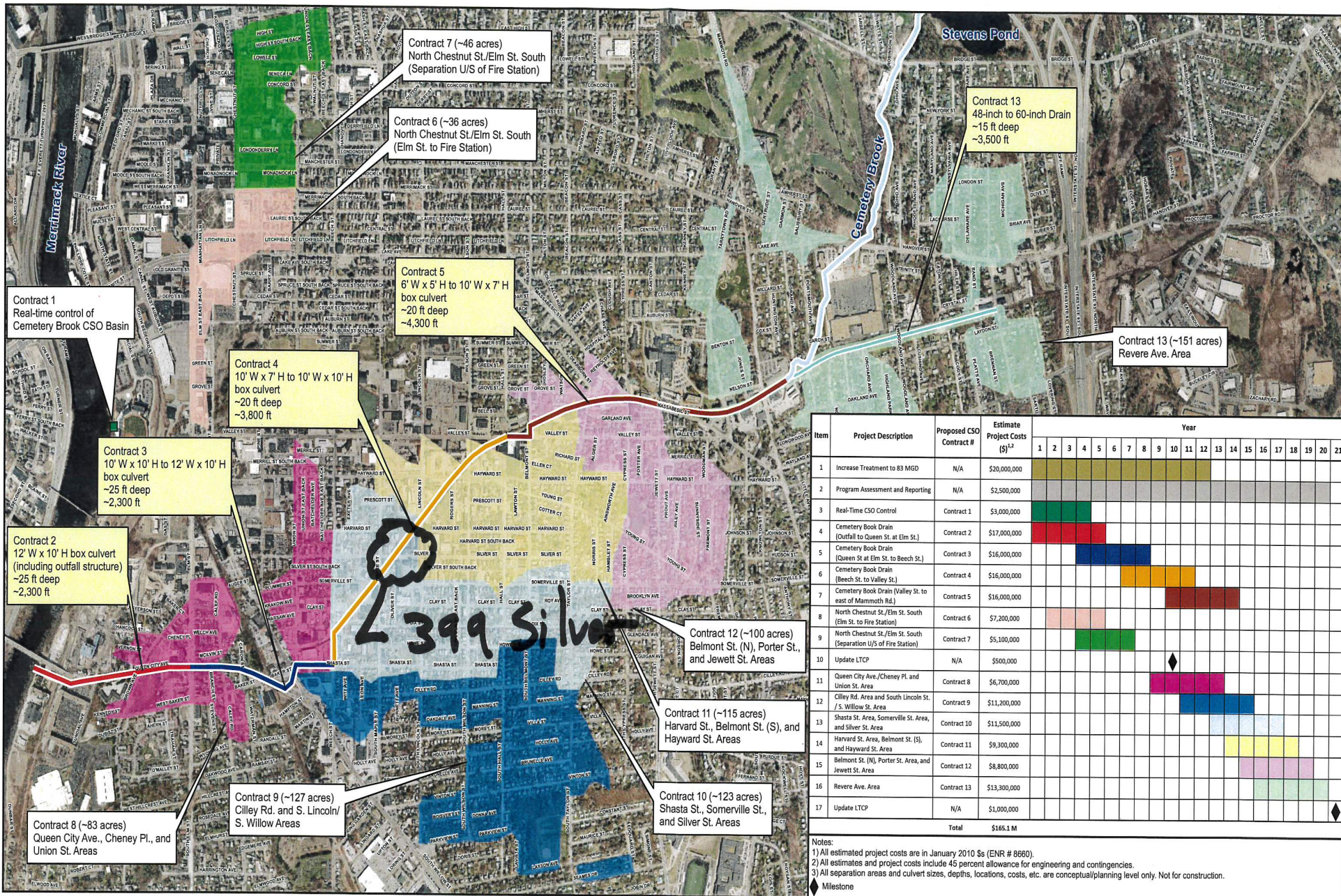
Relinquishing ownership of the property prior to construction of the CSO project will create significant future challenges for EPD. The excavation required to install box culverts 20-ft deep in this Silver Street location will effectively render the site unusable for the period of construction. In addition, a utility easement will have to be negotiated with the new owner which can be time consuming, contentious, and expensive for EPD. If an easement is not successfully negotiated, the entire routing of the relocated Cemetery Brook could be impacted.

In closing, the EPD working in close collaboration with other departments and the Board of Mayor and Alderman received city wide support of our 2010 CSO Master Plan. To relinquish ownership of this critical railroad corridor parcel could negatively impact the entire CSO Master Plan. Thank you for your consideration of EPD's recommendation for the city to retain ownership of this parcel of land.

Sincerely,


Frederick J. McNeill, P.E.
Chief Engineer

Attachments:



Item	Project Description	Proposed CSO Contract #	Estimate Project Costs (\$) ^{1,2}	Year																		
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	Increase Treatment to 83 MGD	N/A	\$20,000,000																			
2	Program Assessment and Reporting	N/A	\$2,500,000																			
3	Real-Time CSO Control	Contract 1	\$3,000,000																			
4	Cemetery Brook Drain (Outfall to Queen St. at Elm St.)	Contract 2	\$17,000,000																			
5	Cemetery Brook Drain (Queen St. at Elm St. to Beech St.)	Contract 3	\$16,000,000																			
6	Cemetery Brook Drain (Beech St. to Valley St.)	Contract 4	\$16,000,000																			
7	Cemetery Brook Drain (Valley St. to east of Mammoth Rd.)	Contract 5	\$16,000,000																			
8	North Chestnut St./Elm St. South (Elm St. to Fire Station)	Contract 6	\$7,200,000																			
9	North Chestnut St./Elm St. South (Separation U/S of Fire Station)	Contract 7	\$5,100,000																			
10	Update LTCP	N/A	\$500,000																			
11	Queen City Ave./Cheney Pl. and Union St. Area	Contract 8	\$6,700,000																			
12	Cilley Rd. Area and South Lincoln St. / S. Willow St. Area	Contract 9	\$11,200,000																			
13	Shasta St. Area, Somerville St. Area, and Silver St. Area	Contract 10	\$11,500,000																			
14	Harvard St. Area, Belmont St. (S), and Hayward St. Area	Contract 11	\$9,300,000																			
15	Belmont St. (N), Porter St. Area, and Jewett St. Area	Contract 12	\$8,800,000																			
16	Revere Ave. Area	Contract 13	\$13,300,000																			
17	Update LTCP	N/A	\$1,000,000																			
Total			\$165.1 M																			

Notes:
 1) All estimated project costs are in January 2010 \$s (ENR # 8660).
 2) All estimates and project costs include 45 percent allowance for engineering and contingencies.
 3) All separation areas and culvert sizes, depths, locations, costs, etc. are conceptual/planning level only. Not for construction.

◆ Milestone

CDM



Cemetery Brook Drainage Culvert Legend

- Contract 2
- Contract 3
- Contract 4
- Contract 5
- Contract 13

Sewer Separation Areas Legend

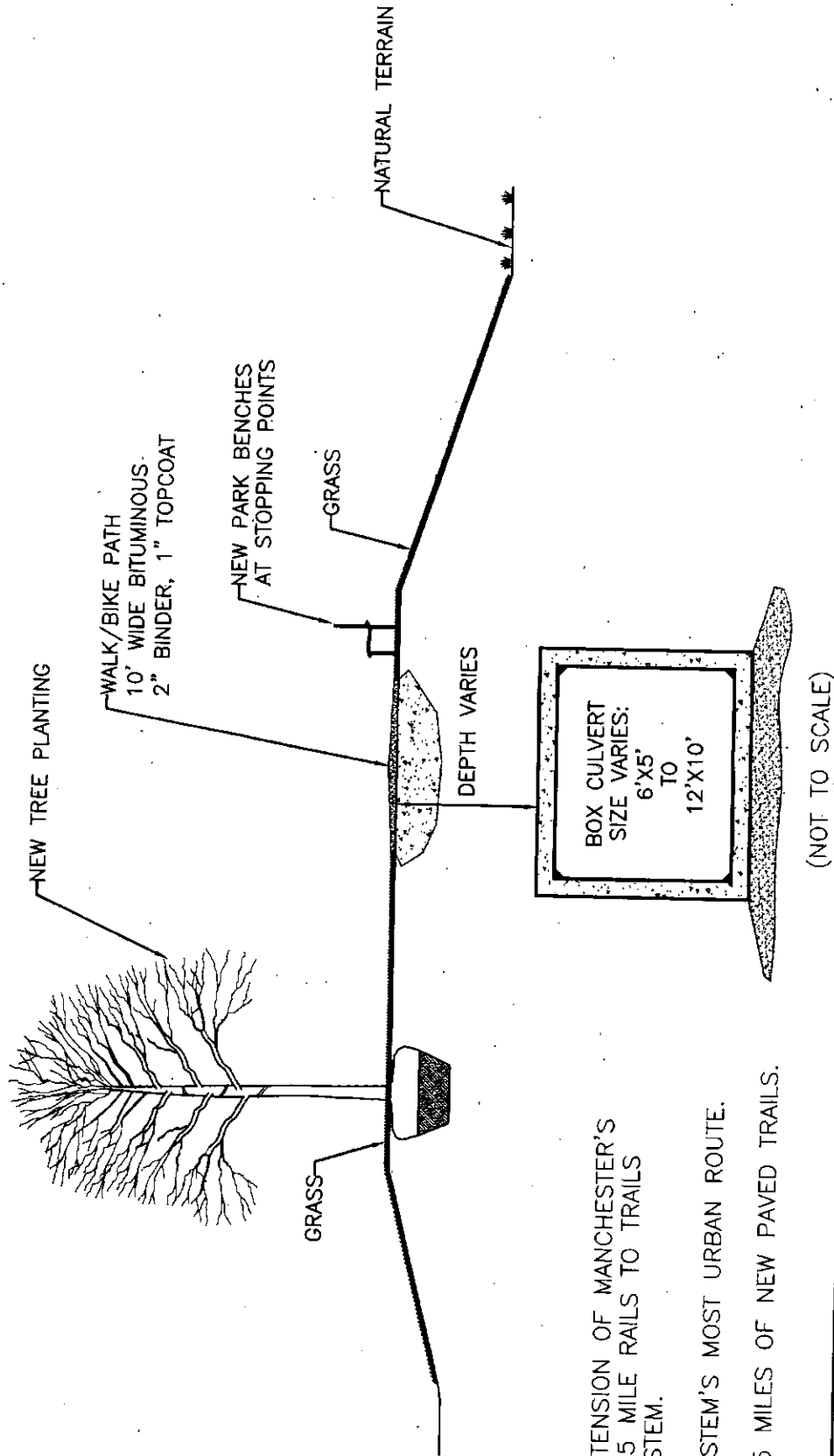
- Contract 6
- Contract 7
- Contract 8
- Contract 9
- Contract 10
- Contract 11
- Contract 12
- Contract 13



0 600 1,200 Feet

City of Manchester, New Hampshire
 Revised Long-Term CSO Control Plan
 June 2011

Proposed Phase II CSO Program
 Figure No. 1



1. EXTENSION OF MANCHESTER'S 18.5 MILE RAILS TO TRAILS SYSTEM.
2. SYSTEM'S MOST URBAN ROUTE.
3. 1.5 MILES OF NEW PAVED TRAILS.

(NOT TO SCALE)

CDM



GREEN INFRASTRUCTURE PROPOSED BIKE PATH/BOX CULVERT CROSS SECTION

**CITY OF MANCHESTER, NEW HAMPSHIRE
REVISED LONG-TERM CONTROL PLAN
JUNE 2011**

FIGURE NO. 2



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Planning & Land Use Management
Building Regulations
Code Enforcement Division
Community Improvement Program
Zoning Board of Adjustment

Leon L. LaFreniere, AICP
Director

Pamela H. Goucher, AICP
Deputy Director Planning & Zoning

Michael J. Landry, PE, Esq.
Deputy Director Building Regulations

August 25, 2016

Alderman Patrick Long, Chairman
Committee on Lands and Buildings
Board of Mayor and Aldermen
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Revocable Licenses Granted in Portsmouth Branch Railroad Corridor

Dear Chairman Long and Honorable Committee Members:

The purpose of this letter is to respond to the Committee on Lands and Buildings' request for a list of encroachments on the corridor of the former Portsmouth Branch Railroad. More specifically, this letter provides a list of revocable licenses granted, and one instance of fee-simple ownership conveyed, by the City of Manchester to private entities for their use of the corridor.

As you are aware, the Planning and Community Development Department becomes involved in requests from private parties that apply to the City for acquisition of property rights in the corridor. The Department has maintained records of such requests, and I believe that I have found all of those records within the Department. I have also worked with Deputy Solicitor Thomas Arnold to incorporate his records into this list. I also checked with Richard Matz, the Chief of Survey at DPW, to see if he had any records of licenses granted in the corridor. Although I have tried to be thorough, I cannot guarantee that there are not records held outside of my department regarding the corridor that I have not found. I believe that Attorney Arnold would place a similar caveat on the information that he provided.

Revocable Licenses Granted, and One Fee-Simple Ownership Conveyed, by the City in the Portsmouth Branch Railroad Corridor

Address	Tax Map-Lot	Right Granted	Year	Owner
Maple Street, 118	361-1	Revocable License	2006	J.C.'s Auto Sales
Silver Street, 399	356-1A	Revocable License	2013	Robert Provencher
Valley Street, 696	128-1A	Revocable License	2014	Hai Pham
Hayward Street, 680	101-8	Revocable License	2014	RSCC Aerospace
Belmont Street, 290	128-1	Revocable License	2015	290 Belmont Street, LLC
Wilson Street, 267	342-19	Fee Simple Ownership	2015	Carl J. Luongo Trust

The list above does not include license applications that were not granted. It also does not include license applications and grants for the Goffstown Branch Railroad right-of-way or for revocable licenses granted outside of railways. None of this information seemed relevant to your request, but I can provide it upon request.

Please feel free to contact me if you have any questions. Planning Department staff will be available at your next meeting, should you want to discuss this information.

Sincerely,

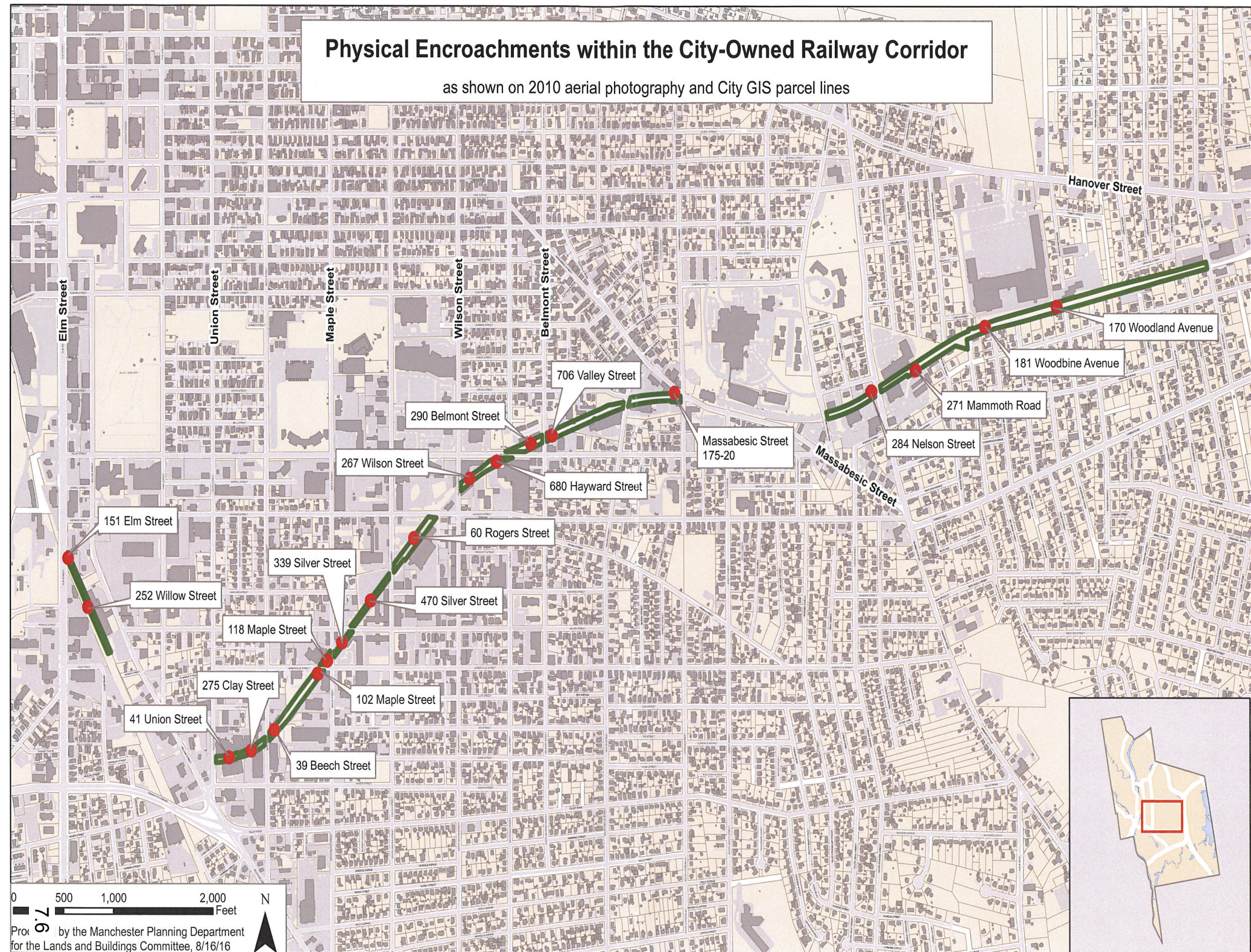


Jeffrey Belanger, AICP
Senior Planner
Manchester Planning and Community Development Department

Cc: Kevin Shepard, Director of Public Works
Robert Gagne, Chairman, Board of Assessors
Thomas Arnold, Deputy City Solicitor
File

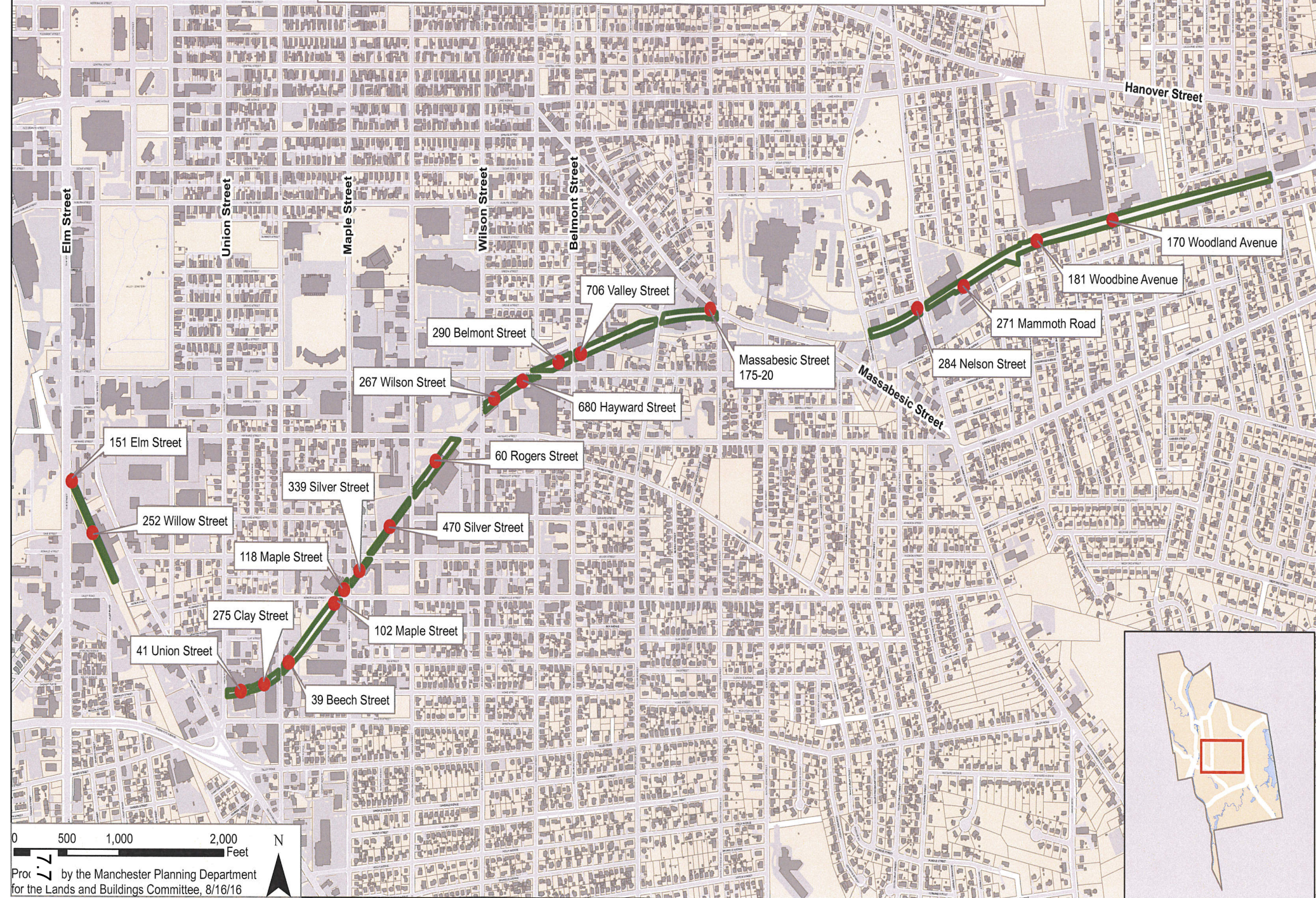
Physical Encroachments within the City-Owned Railway Corridor

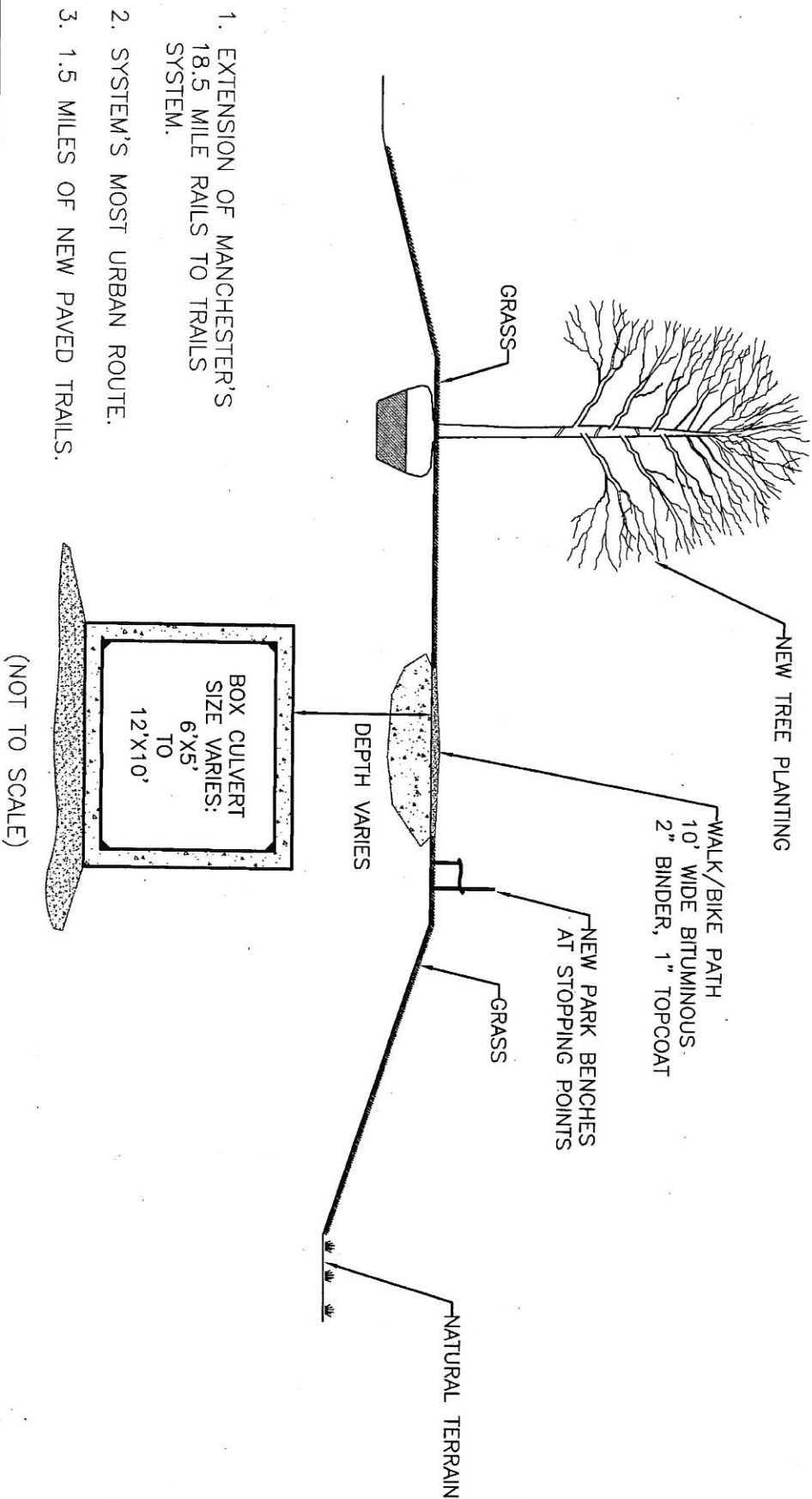
as shown on 2010 aerial photography and City GIS parcel lines



Physical Encroachments within the City-Owned Railway Corridor

as shown on 2010 aerial photography and City GIS parcel lines





1. EXTENSION OF MANCHESTER'S
 18.5 MILE RAILS TO TRAILS
 SYSTEM.

2. SYSTEM'S MOST URBAN ROUTE.

3. 1.5 MILES OF NEW PAVED TRAILS.

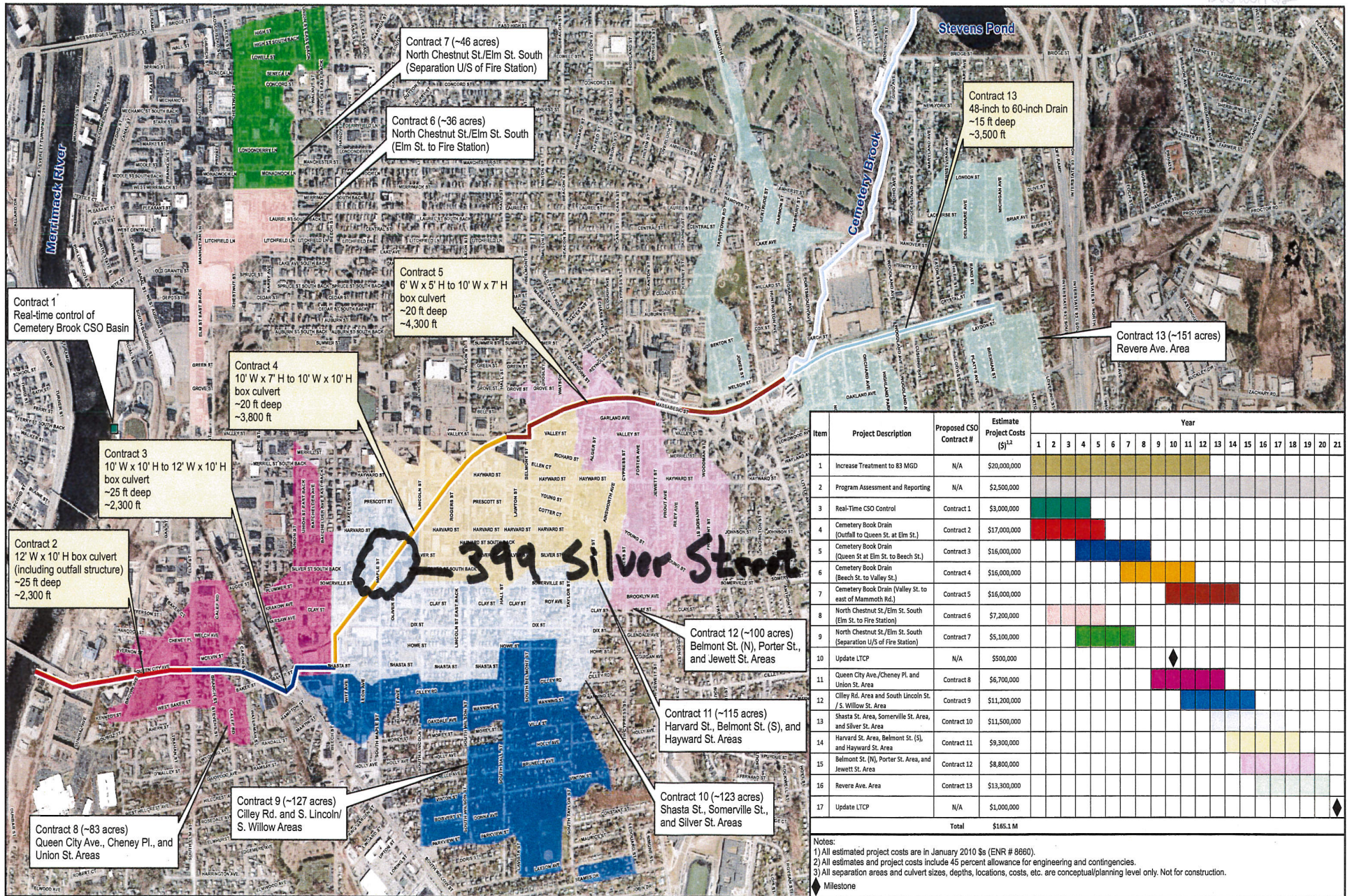


CDM

**GREEN INFRASTRUCTURE
 PROPOSED BIKE PATH/BOX CULVERT CROSS SECTION**

**CITY OF MANCHESTER, NEW HAMPSHIRE
 REVISED LONG-TERM CONTROL PLAN
 JUNE 2011
 FIGURE NO. 3**

8/10/11 Committee on Land Use
Building



Item	Project Description	Proposed CSO Contract #	Estimate Project Costs (\$) ^{1,2}	Year																		
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	Increase Treatment to 83 MGD	N/A	\$20,000,000																			
2	Program Assessment and Reporting	N/A	\$2,500,000																			
3	Real-Time CSO Control	Contract 1	\$3,000,000																			
4	Cemetery Brook Drain (Outfall to Queen St. at Elm St.)	Contract 2	\$17,000,000																			
5	Cemetery Brook Drain (Queen St. at Elm St. to Beech St.)	Contract 3	\$16,000,000																			
6	Cemetery Brook Drain (Beech St. to Valley St.)	Contract 4	\$16,000,000																			
7	Cemetery Brook Drain (Valley St. to east of Mammoth Rd.)	Contract 5	\$16,000,000																			
8	North Chestnut St./Elm St. South (Elm St. to Fire Station)	Contract 6	\$7,200,000																			
9	North Chestnut St./Elm St. South (Separation U/S of Fire Station)	Contract 7	\$5,100,000																			
10	Update LTCP	N/A	\$500,000																			
11	Queen City Ave./Cheney Pl. and Union St. Area	Contract 8	\$6,700,000																			
12	Cilley Rd. Area and South Lincoln St. / S. Willow St. Area	Contract 9	\$11,200,000																			
13	Shasta St. Area, Somerville St. Area, and Silver St. Area	Contract 10	\$11,500,000																			
14	Harvard St. Area, Belmont St. (S), and Hayward St. Area	Contract 11	\$9,300,000																			
15	Belmont St. (N), Porter St. Area, and Jewett St. Area	Contract 12	\$8,800,000																			
16	Revere Ave. Area	Contract 13	\$13,300,000																			
17	Update LTCP	N/A	\$1,000,000																			
Total			\$165.1 M																			

Notes:
 1) All estimated project costs are in January 2010 \$s (ENR # 8660).
 2) All estimates and project costs include 45 percent allowance for engineering and contingencies.
 3) All separation areas and culvert sizes, depths, locations, costs, etc. are conceptual/planning level only. Not for construction.
 ◆ Milestone



Cemetery Brook Drainage Culvert Legend

- Contract 2
- Contract 3
- Contract 4
- Contract 5
- Contract 13

Sewer Separation Areas Legend

- Contract 6
- Contract 7
- Contract 8
- Contract 9
- Contract 10
- Contract 11
- Contract 12
- Contract 13



0 600 1,200 Feet

City of Manchester, New Hampshire
 Revised Long-Term CSO Control Plan
 June 2011

Proposed Phase II CSO Program
 Figure No. 1



THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

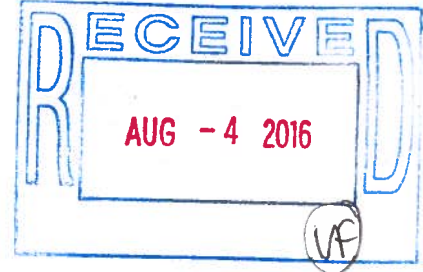


William Cass, P.E.
Assistant Commissioner

July 29, 2016

Mayor Theodore Gatsas and City Alderman
1 City Hall Plaza
Manchester, NH 03101-2097

Re: City of Manchester – Land Sale, Provencher (399 Silver St.)
Portsmouth Branch Railroad Corridor



Dear Mayor and Alderman:

This letter is in response to correspondence from Ben Nardi at TRR Commercial (5 Heartwood Lane, Suite, Concord, NH) who has represented himself as the buyer's agent and indicated that the City of Manchester seeks the State's approval to sell a parcel (map 356-lot 1A) of the Portsmouth Branch Railroad corridor to his client.

It is understood that the City proposes the sale of this parcel that the State sold to the City in 2001 and was recorded as part of the 2001 Deed, Book 6561, Pages 1308-1310. Additionally, as noted in the recorded deed, as part of this sale the State retained the right of approval for any future disposal and the State retained a transportation easement. Therefore, the State would not object to the City's sale of this parcel contingent on the following requirements being met:

1. The State's transportation easement on the subject parcel must remain in effect and run with the land.
2. The buyer must agree to restrictions on excavation within the parcel or, if alterations to the current conditions are to undertaken as stipulated in the aforementioned deed, the buyer submit a request for review by the Federal Highway Administration relative to Section 106 of the National Environmental Policy Act.
3. The City shall provide to the State a copy of the proposed deed for review prior to the Sale Closing.

Contingent on the above noted requirements being met, the State would not object to the sale of the subject parcel. If the City has additional questions or concerns relative to this parcel, please contact NHDOT Railroad Planner Louis Barker at 271-2425 or lbarker@dot.state.nh.us.

Sincerely,

Patrick Herlihy
Director
Division of Aeronautics, Rail & Transit

Cc: Ben Nardi

August 8, 2016

Alderman Patrick Long, Chairman
Committee on Lands and Buildings
c/o City Clerk's Office
One City Hall Plaza
Manchester, NH 03101

RE: Map: 356 Lot: 1A Silver Street, Manchester, NH

Dear Mr. Chairman,

Attached please find letter addressed to the Mayor which contains the DOT consent to a sale of this portion of the RR land as identified and shown on City tax Map 356-1A as outlined by the assessor in 2013 to Mr. Provencher subject to the restrictions as described in the DOT deed to the City namely the language as follows:

" Excepting and reserving to the State of New Hampshire by or through its Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the above described parcels for any mode of public travel, including but not limited to , vehicular, railroad, bus, or other forms of mass transit, pedestrian, bicycle, snowmobile (not including motorcycles) or other form of recreational travel".

It was determined that it would be best to keep the lot as shown as Map 356-1A and not to play with the line and to keep it as it is.

Request is hereby made to be placed on the agenda at your next regularly scheduled meeting to discuss the matter in further detail.

This conveyance of lot 356-1A would not interfere with future bike trail plans and protects the City and Dot for future use of the parcel per the intent of these restrictions. Mr. Provencher is willing to purchase the property subject to these conditions and easement.

I know there has been mention of selling portions of the RR land would set a "precedent" however it is expressly stated in your deed from DOT that you can sell portions of the abandoned railroad corridor so long as you get approval from the DOT. The sale of portions of this land was contemplated and expected by the DOT. If they wanted to restrict any sale of this land they would not have included any such language in the deed or would have made it clear by language in the deed stating that the City would be barred from selling portions of this land which it did not do. Thus you are not setting precedent but doing what your deed allows you to and what was contemplated by the DOT.

This sale generates income from the purchase price to be paid by Mr. Provencher and possibly others and puts it legitimately on the tax rolls moving forward. I would like to also address the matter of what happened to Mr. Provencher in getting the revocable license agreement for use of the parking lot. Certain representations were made to the Committee by the assessors office that quite a few other people with license agreements are paying the "taxes" for the use of the land however I am unable to find any actually doing so. Would it be possible to request from the assessor to prepare a list of Licensees and the "taxes" charged for the use of the land and whether or not he has in fact collected any payments from these licensees.

Obviously Mr. Provencher is ready willing and able to pay for the taxes on this parcel once transferred to him but the manner in which he was arbitrarily charged and assessed taxes for using this parcel via the license agreement is unusual and out of the norm. The purchase price to be determined and paid at closing would certainly offset any of the past disputed charges. Any clarification on this at the next meeting would be most helpful in getting a handle on what is really going on with Licensees using this land.

Along these lines and knowing that there are a good number of people using portions of this RR land without authority and or License. As a result of my research and review of the current state of affairs concerning this RR Corridor I prepared a Proposal which I delivered to the Mayor a few months ago, I have attached a copy for your review.

I believe it would be in the best interests of the City to identify each user on the RR Corridor and then notify them that they have an option to purchase the property subject DOT approval and or in the alternative pay a License Fee for the use of same equal to the tax assessed on the area of the land they are using. I would think the users would be more receptive to purchase the property subject to the DOT easement and this would generate considerable revenue dollars to the City and put all the land being used on the tax rolls.

I think it may be appropriate to get a good grasp on exactly who are using portions of this RR Corridor land without authority and identify who are using it with authority. These people should be paying and or buying the property.

I have held off on getting the formal survey done on the parcel in question until such time as the Board of Mayor and Alderman vote on whether or not to approve the sale of this lot as outlined. At that time if favorable I will complete the formal survey and get a deed description. The Assessor has laid the lot 356-1A out very well as shown on the City Assessor Map and it is clearly identified for the purposes of moving forward.

If you have any questions and or comments kindly contact me at your convenience to discuss.

Respectfully submitted,

Ben Nardi

Agent for Robert Provencher

Tel: 603-234-8074

email: bntower@cs.com

cc: Robert Provencher

To: City of Manchester
Honorable Ted Gatsas, Mayor
One City Hall Plaza
Manchester, NH 03101

From: Ben Nardi
Tower Residential Realty Commercial
69 Brook Street
Manchester, NH 03104

**PROPOSAL TO SELL PORTIONS OF THE ABANDONED
PORTSMOUTH BRANCH RAILROAD CORRIDOR**

Now comes Ben Nardi a licensed real estate broker in the State of New Hampshire and states as follows in support of this Proposal.

1. That in January of 2002 the State of New Hampshire by way of quitclaim deed transferred all of its interest in and to a portion of the abandoned Portsmouth Branch railroad corridor.
2. That the quitclaim deed states that the City of Manchester agrees to the following;
 - 1.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.
 - 2.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to Section 106 historic review process.
 - 3.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor.

3. That the property is identified by the City Assessor as being Map 0473 Lot 0046 consisting of approximately 603,742 SF or 13.86 acres.
4. That this railroad corridor has been modified from its original use and form by many of the abutters of said land.
5. That many of these abutters have properly obtained Revocable License Agreements from the City for use of this land subject to the City Policy regarding Private Sector Use of the Former Portsmouth Branch Railroad Line Right of Way.
6. That I have been actively involved in dealing with the Department of Transportation Railroad Division and the Federal Historic Section 106 Review Process regarding portions of this abandoned Portsmouth Branch railroad corridor land.
7. That it has been found that portions of this corridor have been altered which does not now necessitate formal review in conformity with the 106 Review Process. An informal review is usually done and a waiver from the formal review process is granted.
8. That the Department of Transportation has given its consent to sell portions of this corridor land and are mainly concerned that its 30 ft wide transportation easement be preserved.
9. That it has been this writers experience that the private sector licensees are only using a portion of the licensed land which taken as a whole usually is of sufficient size to satisfy the transportation easement concerns of the Department of Transportation.
10. That TRR Commercial is recommending that it be retained by the City to identify all current abutters and licensees using said former railroad land and negotiate with potential purchasers for the sale of each parcel.
11. That each abutter, licensee shall be given the right to purchase said land subject to the Department of Transportations right of way and further subject the conditions as outlined in the deed to the City referred to in paragraph 2 of this proposal.

12. That all interested purchasers shall bear all costs related to said purchase.
13. That the City Assessor shall make recommendation of a current market value of said property per square foot and set a sale price for the land per square foot.
14. That recently the City Assessor set a value for similar former rail road land at \$5.00 per square foot.
15. That the former railroad corridor consists of over 603,742 SF and thus a minimum return on the sale of said land assuming all is sold would generate \$3,018,710.00 in revenue for the city.
16. That all property sold would now be subject to property Tax and generate tax revenue on an annual basis.
17. That TRR Commercial shall be paid a consulting fee to identify and negotiate with potential purchasers for the sale of this land. Said consulting fee to be agreed to by and between the City and TRR Commercial.
18. That any and all land identified will have to be declared surplus land by the Board of Mayor and Alderman in order to effectuate the sale of same.
19. That TRR Commercial in addition to its consulting fee shall be paid a commission equal to 10% of the purchase price for bringing about the sale of each parcel to be paid by the purchaser at closing.

Respectfully submitted
TRR Commercial

Dated: June 3, 2016

Ben Nardi
Broker

April 18, 2016

Alderman Patrick Long, Chairman
Committee on Lands and Buildings
c/o City Clerk's Office
One City Hall Plaza
Manchester, NH 03101

RE: Map: 356 Lot: 1A Silver Street, Manchester, NH

Dear Mr. Chairman,

Please be advised that I represent Robert Provencher DBA My Friends Pub owner of 399 Silver Street, Manchester, NH.

Attached please find Mr. Provencher's formal Petition to Recommend Map: 0356 Lot: 0001A Surplus Land and Recommendation for Sale of Surplus Land to Abutter for filing with the Committee.

I would respectfully request that this matter be placed on the Committee's agenda for hearing and discussion its next regularly scheduled meeting and be advised Mr. Provencher and myself would like to be present at said meeting.

Kindly contact me at your earliest convenience via telephone or email show below to confirm a convenient time and date to meet with the Committee.

Thank you for your attention with regard to this matter.

Very truly yours,

Bernard Nardi

Bernard Nardi
Agent for Robert Provencher
Tel: 603-234-8074
email: bntower@cs.com

cc: Robert Provencher

April 18, 2016

Alderman Patrick Long, Chairman
Honorable Members
Committee on Lands and Buildings
One City Hall Plaza
Manchester, NH 03101

Re: Map:0356 Lot: 0001A Silver Street

**Petition to Recommend Finding Map: 0356 Lot: 0001A Surplus Land
and Recommendation for Sale of Surplus Land to Abutter**

Now comes your Petitioner Robert Provencher DBA My Friends Pub owner of 399 Silver Street, Manchester who respectfully submits the following in support of this petition to recommend to the Board of Mayor and Alderman that the above referenced parcel of property be declared surplus land and further recommend to said Board that the parcel be sold to Petitioner the abutting property owner;

1. That Petitioner purchased the property known as 399 Silver Street from the Disabled American Veterans, Chapter No. 1 on April 15, 2013 as evidenced and recorded in the Hillsborough County Registry of Deeds at Book 8548 Page 2321 and further identified and known as Map 356 Lot 1.

2. That at the time of closing Petitioner discovered that the on site parking field was not owned by the Disabled American Veterans and was in fact owned by the City of Manchester being a portion of the 13.86 acres formerly owned by the Boston and Maine Corporation as shown on Map 473 Lot 46 transferred to the City by the NH Dept of Transportation on December 14th 2001 and recorded in the Hillsborough County Registry of Deeds on January 11, 2002 at Book 6561 Page 1308. (see attached Exhibit A).

3. That the Deed from the NH Department of Transportation contains the following restrictions;

a.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.

b.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to section 106 historic review process.

c.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor

Excepting and Reserving to the State of New Hampshire by or through its

Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the above-described parcels for any mode of public travel, including, but not limited to, vehicular, railroad, bus, or other form of mass transit, pedestrian, bicycle, snowmobile (not including motorcycles) or other form of recreational travel."

4. That Petitioner learned the Disabled American Veterans on April 4, 2006 obtained a Revocable License Agreement from the City of Manchester for a portion of the former Portsmouth Branch rail line which abuts 399 Silver Street to supplement its insufficient on-site parking needs.

5. That the Disabled American Veterans at some point prior to receiving its Revocable License Agreement from the City paved and striped a portion of said land for private parking which consists of approximately 24 parking spaces.

6. That the Petitioner soon after the purchase of the property learned that the Revocable License Agreement was not transferable and then on July 3, 2013 caused to be filed with this Committee an application for Private Sector Use of Former Portsmouth Branch Rail Right-of-Way Line requesting a Revocable Land License for use of the paved and striped portion of the land for customer parking due to insufficient on-site parking . (See attached Exhibit B)

7. That on September 3, 2013 this Committee recommended to the Board of Mayor and Alderman that a revocable land license be granted to the Petitioner. (See attached Exhibit C)

8. That the Committee further noted that the Petitioner be responsible for paying property taxes.

9. That the condition Petitioner be responsible for the payment of property taxes was referred to the Board of Assessors for a determination and review.

10. That the Board of Assessors determined that the original City of Manchester Policy Regarding Sector Use of the Former Portsmouth Branch Line Right-of-Way contained no provision or mention of fees or rent for the use of the Right-of Way and recommended that the Committee should consider revisiting this Policy if rent is to be now charged in light of the fact that there are many other users of the Right-of-Way that do not and have never been charged rent or required to pay the property taxes for use of Right-of-Way property. (See attached Exhibit D)

11. That the Board of Mayor and Alderman on September 3, 2013 voted to accept the Committee's report and granted a revocable land license to the Petitioner.

12. That unbeknownst to Petitioner the City of Manchester subdivided the land deeded to them by the Department of Transportation being Map 473 Lot 46 consisting of a total of 13.86 acres and created a new lot known as Map 356- Lot 1A consisting of approximately 7,283 SF and as shown on Vision Appraisal Assessors Data Base and which identifies a transfer date of June 26, 2013. (See Exhibits E & F)

13. That the property as identified as Map 256-Lot 1A is the portion of the Rail Road Land that has been used for on site parking abutting Petitioners property and is the property for which these land licenses had been granted first to the Disabled American Veterans and then to Petitioner.

14. That the owner of this new parcel is listed as the City of Manchester with a mailing address for the City listed as 333 Calef Road, Manchester, NH 03103 which is Petitioners home address. (See Exhibit G)

15. That Petitioner has been receiving property tax bills from the City of Manchester for Map 356 Lot A1 since 2013 in the name of the City of Manchester and sent to Petitioner at this home address. The tax assessment for this lot for the years 2013 and 2014 was \$80,000.00. The latest tax assessment for this lot for the tax year 2015 has now been reduced to \$19,400.00.

16. That it was Petitioners understanding that the Committee recommendation to charge him for the use of the Right-of-Way either by paying rent or paying the property taxes was found not to be equitable by the Board of Assessors and this recommendation was sent back to the Committee for reconsideration in that no other user of the Right-of-Way or land license holder is obliged to pay rent and or taxes.

17. That the Petitioner on several occasions has attempted to meet with the Board of Assessors to discuss the matter but has been unable to get the Board to respond to his repeated requests to meet.

18. That the subdivision of the Rail Road Land to create the separate lot know as Map 356 Lot A1 must have been approved by the Department of Transportation and sufficient land remains to satisfy the conditions set forth in the original deed for the transfer of any potion of the Rail Road land which requires reserving a 30 foot easement for the Department of Transportation. No Historic review would be warranted in that the property was paved over and striped subsequent to this subdivision by the City.

19. Petitioner is ready willing and able to purchase Map 356 Lot 1A for a sum to be negotiated between the parties but not to exceed the current assessed value of said property which was assessed in 2015 for \$19,400.00.

20. That the abutting property Map 356 Lot A1 is integral part of the successful running of the business at 399 Silver Street.
21. That without the additional on-site parking the business would be in jeopardy of closing.
22. That the sale of said property to Petitioner would provide the City with purchase monies and provide additional needed annual tax revenue.
23. That the sale of this property to Petitioner does not violate any of the terms and conditions as set forth in the Department of Transportation's Deed to the City for this railroad land.
24. That Petitioner agrees to abide by all of the terms and conditions as set forth in this aforementioned Department of Transportation Deed that may be applicable in the sale of this property to Petitioner.

Wherefore your Petitioner Robert Provencher DBA My Friends Pub respectfully requests that this Committee make recommendations to the Board of Mayor and Alderman as follows;

- A. To declare the property Map 356 Lot 1A surplus land,
- B. To recommend the sale of said property to Petitioner,
- C. For such other and further relief as may be prudent, equitable and justified.

Respectfully submitted by;

Dated April 18, 2016

Robert Provencher

(Exhibits follow)

EXHIBIT A

2005337

2002 JAN 11 PM 1:39

*#557
Manchester
City Solicitor*
1834
2-

KNOW ALL MEN BY THESE PRESENTS

THAT, The State of New Hampshire, whose mailing address is the Department of Transportation, 1 Hazen Drive, P.O. Box 483, Concord, NH 03302-0483, pursuant to RSA 4:40 and RSA 228:67, for considerations paid to it in hand before the delivery hereof, well and truly paid by the City of Manchester, a municipal corporation, whose mailing address is 1 City Hall Plaza, Manchester, NH 03101-2097, has remised, released and forever QUITCLAIMED, and by these presents, does remise, release and forever quitclaim unto said City of Manchester, its successors, and assigns forever:

Any and all interest the State of New Hampshire has in a portion of the abandoned Portsmouth Branch railroad corridor, including all stations, buildings, bridges, structures, crossings, culverts and improvements thereon and including all appurtenances thereto and formerly owned by the Boston and Maine Corporation, the Elliot Hospital of the City of Manchester, 67 Willow Street Realty, L.L.C., and the Flying Horse Realty, Inc., located in the City of Manchester, bounded and described as follows:

Parcel 1:

Beginning at a point designated as Engineering Station 1967+70+/- located on the westerly sideline of Page Street as shown on Railroad Valuation Plan V28NH, Map 38; thence running generally in a westerly direction to a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39.

Parcel 2:

Beginning at a point designated as Engineering Station 2002+90+/- located on the westerly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2008+05+/- at the easterly sideline of Hall Road as shown on Railroad Valuation Plan V28NH, Map 39.

Parcel 3:

Beginning at a point designated as Engineering Station 2021+70+/- located on the westerly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2080+80+/- at the easterly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41.

Parcel 4:

Beginning at a point designated as Engineering Station 2094+12+/- as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a northwesterly direction to a point designated as Engineering Station 2104+28+/- at the easterly sideline of Elm Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 6200, Pages 40-48 on January 11, 2000, said parcels containing an area of 12.45 acres, more or less.

BK 6561 PG 1308

Parcel 5:

Beginning at a point designated as Engineering Station 1997+50+/- as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2002+44+/- located on the easterly sideline of Mammoth Road as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Boston and Maine Corporation by a deed recorded in the Hillsborough County Registry of Deed in Book 5719, Pages 215 – 221 on May 21, 1996, said parcel containing an area of 0.66 acres, more or less.

Parcel 6:

Beginning at a point designated as Engineering Station 2008+61+/- located on the westerly sideline of Hall Street as shown on Railroad Valuation Plan V28NH, Map 39; thence running generally in a westerly direction to a point designated as Engineering Station 2021+76+/- at the easterly sideline of Massabesic Street as shown on Railroad Valuation Plan V28NH, Map 39.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Elliot Hospital of the City of Manchester by an easement recorded in the Hillsborough County Registry of Deed in Book 5645, Pages 1085 – 1087 on August 1, 1995, said parcel containing an area of 0.60 acres, more or less.

Parcel 7:

Beginning at a point designated as Engineering Station 2081+13+/- located on the westerly sideline of Union Street as shown on Railroad Valuation Plan V28NH, Map 41; thence running generally in a westerly direction to a point designated as Engineering Station 2083+33+/- at the easterly sideline of Willow Street as shown on Railroad Valuation Plan V28NH, Map 41.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the 67 Willow Street Realty, L.L.C. by an easement recorded in the Hillsborough County Registry of Deed in Book 6513, Pages 131 – 132 on October 30, 2001, said parcel containing an area of 0.15 acres, more or less.

Parcel 8:

Beginning at the southerly most point of said premises, at an iron pin with cap to be set; thence along a curve westerly along said parcel with a radius of 962.57 feet, a distance of 470.56 feet to a point; thence N8°25'43"W a distance of 108.31 feet to a point; thence along a curve southeasterly with a radius of 932.57 feet to a point on Willow Street in Manchester, New Hampshire; thence S13°52'44" east a distance of 45.99 feet to the point of beginning, as shown on plan entitled "Easement Plan of Land prepared for Flying Horse Realty Inc., in Manchester, NH, scale 1" = 40", Date: January 11, 2000", prepared by Duval Survey, Inc., 14 Dartmouth Street, Hooksett, NH 03103, and recorded in the Hillsborough County Registry of Deeds as Plan No. 30334.

Meaning and intending to convey all the railroad corridor conveyed to the State of New Hampshire by the Flying Horse Realty, Inc., by an easement recorded in the Hillsborough County Registry of Deed in Book 6208, Pages 26 – 27 on February 9, 2000, said parcel containing an area of 0.34 acres, more or less.

BK 6561 PG 1309

As a further condition of this instrument, the City of Manchester agrees to the following:

1.) The City of Manchester shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public.

2.) Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process.

3.) The City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor.

Excepting and Reserving, to the State of New Hampshire by or through its Department of Transportation of any successor agency, a transportation easement, 30 feet in width, crossing all the above-described parcels for any mode of public travel, including, but not limited to, vehicular, railroad, bus, or other form of mass transit, pedestrian, bicycle, snowmobile (not including motorcycles) or other form of recreational travel.

TO HAVE AND TO HOLD said premises, with all the privileges and appurtenances thereunto belonging to the City of Manchester, its successors and assigns forever.

IN WITNESS WHEREOF, The State of New Hampshire has caused its name to be set and its seal to be hereunto affixed by the Commissioner of the New Hampshire Department of Transportation, duly authorized and executed this 14th day of December, 20 01.

Signed, Sealed and Delivered
in the presence of

Diane Hartford

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
Carol A. Murray
Commissioner

THE STATE OF NEW HAMPSHIRE COUNTY OF MERRIMACK

On this 14th day of December, 20 01, before me, Diane Hartford the undersigned officer, personally appeared the Commissioner of the Department of Transportation, and that as such Commissioner, being authorized so to do, executed the forgoing instrument for the purposes therein contained, by signing the name of the State of New Hampshire as the Commissioner of the Department of Transportation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

DIANE L. HARTFORD

Diane L. Hartford
NOTARY PUBLIC

Approved by New Hampshire Council on Resources and Development on July 14, 2000.
Approved by Long Range Capital Planning and Utilization Committee on August 22, 2001.
Approved by Governor and Executive Council on October 10, 2001, Item # 146.

BK6561PG1310

Rail Road Land Tax Map
MAP 473 LOT 46 13.86 ACRES

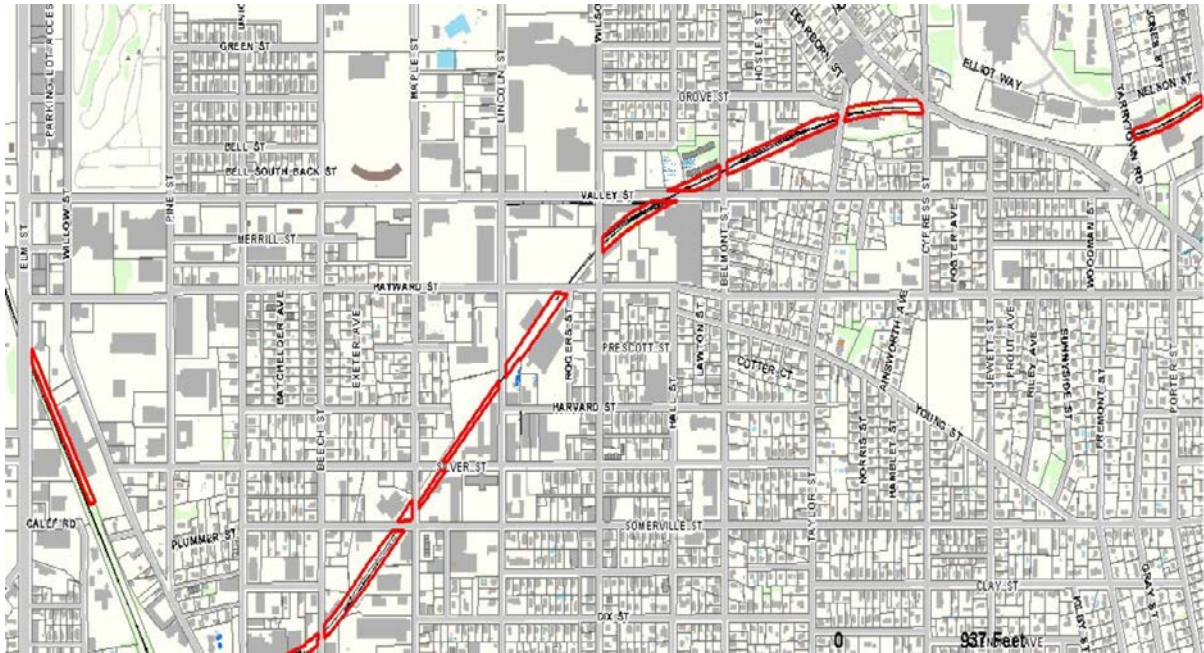


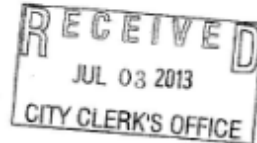
EXHIBIT B



Private Sector Use of Former Portsmouth Branch Rail Right-of-Way Line

Application Form

TO BE COMPLETED BY APPLICANT



1. Application submission date: _____
2. Name(s) of abutting applicant property owner(s):
1. ROBERT H. PROVENCHER
2. _____
3. Street address of abutting applicant property: 399 SILVER ST.
4. Mailing address of abutting applicant property owner: 399 SILVER ST.
5. Telephone number & e-mail address where applicant abutting property owner can be reached: 603-493-6663 (cell) MYFRIENDSBAR@MSN.COM
6. Applicant (if other than abutting property owner): _____
7. Mailing address of applicant (if other than abutting property owner): _____
8. Telephone number & e-mail address where applicant (if other than abutting property owner) can be reached: _____
9. Tax map & lot number of abutting applicant property: 356/1
10. List of specific uses planned for corridor: PARKING LOT - OFF SITE (EXISTING)
11. Required application materials.
 - (a) Application Form
 - (b) Boundary plan of the entire affected area prepared and signed by a licensed land surveyor. Plan shall show, at minimum, the boundaries of the affected portion of the former rail corridor, the location of the applicant's abutting property, and existing and proposed site conditions.
 - (c) Statement of policy acceptance (see item #12).
12. Statement of Policy Acceptance. *I hereby certify that the above information is correct; that I have submitted herewith all of the pertinent required documentation; that I have read and am familiar with the "City of Manchester Policy Regarding Private Sector Use of the Former Portsmouth Branch Railroad Line Right-of-Way"; and that, if granted a revocable license to use City-owned rail corridor land, will fulfill the provisions of that Policy.*

Owner's Signature: 1. [Signature]
2. _____

Date of owner signature: 7-3-2013

Agent's Signature: _____

Date of agent signature: _____

EXHIBIT C

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Lands and Buildings respectfully recommends, after due and careful consideration, that a revocable land license be granted at 399 Silver Street.

The Committee further notes that the property owner will be responsible for paying property taxes.

(Unanimous vote with the exception of Alderman Levasseur who was absent)

Respectfully submitted,



Clerk of Committee



At a meeting of the Board of Mayor and Aldermen held September 3, 2013, on a motion of Alderman O'Neil, duly seconded by Alderman Roy, the report of the Committee was accepted and its recommendations adopted.


City Clerk

EXHIBIT D



CITY OF MANCHESTER Board of Assessors

One City Hall Plaza, West Wing
Manchester, New Hampshire 03101
Tel: (603) 624-6520 – Fax: (603) 628-6288
Email: assessors@ci.manchester.nh.us
Web: www.ManchesterNH.Gov



Robert J. Gagne, Chairman
Michael W. Hurley

Lisa Turner
Assistant to Assessors

To: Chairman Ed Osborne, Committee on Lands & Buildings
From: Board of Assessors
Date: August 21, 2013
Re: Revocable Land License Transfer 339 Silver St


The Assessors have been asked to determine what a property lease amount would be for use of the railroad right-of-way by the owner of 339 Silver Street. The area in question contains 24 open parking spaces. The Parking Division issues monthly parking permits at the rate of \$50 per month per open parking space. The rate for the subject 24 spaces would be \$1,200 per month.

The original "City of Manchester Policy Regarding Sector Use of the Former Portsmouth Branch Railroad Line Right-of-Way" contains no provision or mention of fees or rent for use of the Right-of-Way. The Committee should consider revisiting the Policy if rent is to be charged as there are other users of the Right-of-Way.


Respectfully,

Robert J. Gagne, CNHA, NHCG
Chairman

EXHIBIT E



MANCHESTER, NH



[Search](#)
[Street Listing](#)
[Sales Search](#)
[Back](#)
[Home](#)

Property Lookup

Search:

Address ☐

Enter an Address

Results										
Address	Owner	Map	Map Cut	Block	Block Cut	Lot	Lot Cut	Unit	Unit Cut	PID
SILVER ST	CITY OF MANCHESTER	0356				0001	A			405255178
125 SILVER ST	DOHERTY IRREVOCABLE TRUST	0733				0007				22836
130 SILVER ST	BURGESS ASSOCIATES LLC	0733				0009				22838
141 SILVER ST	HOLTSBERG, BEVERLY A	0733				0006				22835
160 SILVER ST	SNHS MANAGEMENT CORP	0268				0012				7549
167 SILVER ST	KAM DEVELOPMENT LLC	0359				0007				10006
197 SILVER ST	NEGRON, MARIA FAMILY TR	0359				0009				10008
213 SILVER ST	DIVINE DESIGN LLC	0359				0010				10009
224 SILVER ST	LASTE, THOMAS A	0267				0002				7503
225 SILVER ST	FANDUNYAN, EDUARD	0267				0033				7537
237 SILVER ST	LAFERTE, ROLAND N	0267				0031	B			7536
238 SILVER ST	PINARD, DAVID A JR	0267				0003				7504
244 SILVER ST	KOOSER, JOHN J	0267				0004	A			7505

EXHIBIT E

Location SILVER ST

Mblu 0356/ / 0001/A /

Owner CITY OF MANCHESTER

Assessment \$19,400

Building Count 1

Current Value

Assessment	
Valuation Year	Total
2015	\$19,400

Owner of Record

Owner CITY OF MANCHESTER

Sale Price \$0

Co-Owner C/O ROBERT H PROVENCHER

Certificate

Book & Page 0/ 0

Sale Date 06/25/2013

Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
CITY OF MANCHESTER			0/ 0	06/25/2013

Building Information

Building 1 : Section 1

EXHIBIT F Rail Road Land

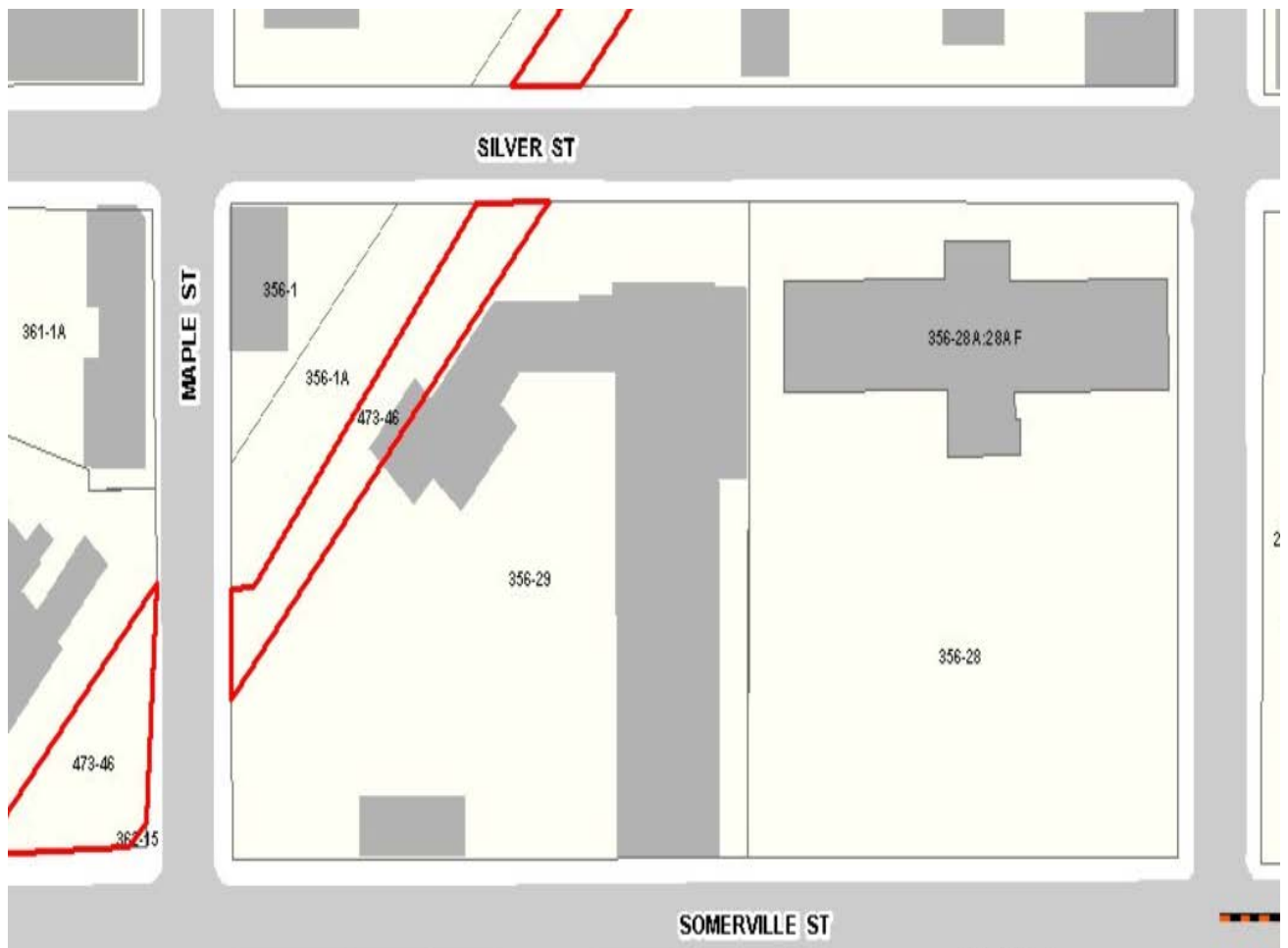


EXHIBIT F AERIAL Rail Road Land



EXHIBIT G



11-14611

City of Manchester, NH - Office of the Tax Collector
Payment Address: P.O. BOX 9598, Manchester, NH 03108-9598
 Office location: 1 City Hall Plaza West Wing, Manchester, NH 03101-2084
 Office hours: Monday-Friday, 8 AM to 5 PM, Tuesday 8 AM to 8 PM
 For property values, exemptions, names, and addresses, call (603) 624-6520
 For account balance and payment information, call (603) 624-6575 or
 visit www.ManchesterNH.gov/Taxes for online account access and payments

ACCOUNT NUMBER
219934

*Please write this number on all payments and correspondence.

FINAL REAL ESTATE TAX BILL FOR 2015

CITY OF MANCHESTER
 333 CALEF RD
 MANCHESTER NH 03103

INFORMATION TO TAXPAYERS	PROPERTY DESCRIPTION	TAXES										
<p>The Taxpayer may, by March 1 following the final notice of tax and not afterward, apply in writing to the Board of Assessors for a tax abatement or deferral.</p> <p>If you are elderly, disabled, blind, a veteran or veteran's spouse, or are unable to pay taxes due to poverty or other good cause, you may be eligible for a tax exemption, credit, abatement, or deferral. For details and application information, contact the Board of Assessors at 603-624-6520.</p> <p>Taxpayers desiring any information in regard to taxation, assessments, exemptions, or change of address should contact the Board of Assessors at 603-624-6520, not the Tax Collector.</p> <p>Real estate tax payments will be applied first to the oldest delinquent real estate taxes (if any) for the indicated property. Partial payments are accepted but will not delay or prevent liening or deed actions authorized by State law.</p> <p>All taxes are assessed as of April 1st of each year. Unless directed otherwise, tax bills are mailed to the last known address of the first owner listed on the deed.</p>	<p>Map-Lot: 0356-0001A SILVER ST</p> <p>TOTAL VALUATION: 19,400</p> <p>TAX RATES FOR THIS BILLING:</p> <table> <tr><td>MUNICIPAL:</td><td>11.53</td></tr> <tr><td>COUNTY:</td><td>1.29</td></tr> <tr><td>CITY EDUCATION:</td><td>8.20</td></tr> <tr><td>STATE EDUCATION:</td><td>2.42</td></tr> <tr><td>TOTAL:</td><td>23.44</td></tr> </table> <p>ALL TAX RATES ARE PER \$1000 OF ASSESSED VALUE</p>	MUNICIPAL:	11.53	COUNTY:	1.29	CITY EDUCATION:	8.20	STATE EDUCATION:	2.42	TOTAL:	23.44	<p>Tax: 454.74 Tax paid: .00</p> <p>TAX DUE: \$ 454.74</p> <p>PAY BY THURSDAY, JULY 09, 2015 to avoid interest charges at 12.0 % per annum.</p> <p>Total amount due (including tax due from this bill) as of 12/28/2015: \$4,938.54</p> <p><small>This notice was generated on 11/18/2015 and does not reflect account activity after that date.</small></p>
MUNICIPAL:	11.53											
COUNTY:	1.29											
CITY EDUCATION:	8.20											
STATE EDUCATION:	2.42											
TOTAL:	23.44											

If any owner listed is a debtor under Title 11 of the United States Code, this notice should not be viewed as a demand for payment of, or as an attempt to collect, a pre-petition debt.

Make checks payable to: **TAX COLLECTOR, CITY OF MANCHESTER, NH**

IF PAYING BY MAIL:

Write your ACCOUNT NUMBER on your check. Mail it with this stub to:
TAX COLLECTOR, P.O. BOX 9598, MANCHESTER, NH 03108-9598
 To obtain a receipt, enclose a self-addressed envelope AND this entire page.
 After 7/9/2015, please contact the Tax Office for the correct payoff amount.

IF PAYING IN PERSON:

Please bring this entire notice with you. Credit and debit cards are not accepted at the Tax Office.

IF PAYING ONLINE:

Payments by credit card and electronic check are accepted via the City's web site at www.ManchesterNH.gov/Taxes. Payments submitted online including from bill payer services will be credited as of the date received at the Tax Office, not the date originally submitted online. It is your responsibility to ensure your payment is received on time.

FINAL REAL ESTATE TAX BILL FOR 2015

Account Number: **219934**

CITY OF MANCHESTER
 333 CALEF RD
 MANCHESTER NH 03103

Map-Lot: 0356-0001A

Location: SILVER ST

TAX DUE: \$ 454.74

0002199347 0000454744

Exhibit G

City Map of New Parcel 359-1A



City Map of Former Rail Road Land



Provencher Proposal Addendum to Purchase City Surplus Land

- ❖ This Proposal is submitted by Robert Provencher owner of 399 Sliver Street doing business as My Friends Pub.
- ❖ Mr. Provencher proposes that this Committee recommend to the Board of Mayor and Alderman that a defined portion of Assessors Lot 356-1A be classified as surplus land and further recommend the sale of said defined lot to Mr. Provencher.

Proposal to Purchase City Surplus Land

- ❖ Mr. Provencher shall bear all costs associated with the sale of said Lot including all necessary engineering.
- ❖ The Lot is City owned land and a portion of the former abandoned railroad line that was transferred to the City from the NH Department of Transportation being Assessors Lot 473-46.

Proposal to Purchase City Surplus Land

- ❖ The new Lot to be created shall leave a 30' wide transportation easement on the former railroad line in conformity with the NH Department of Transportations deed restrictions.
- ❖ Mr. Provencher shall obtain approval from the NH Department of Transportation for the sale of this new Lot.

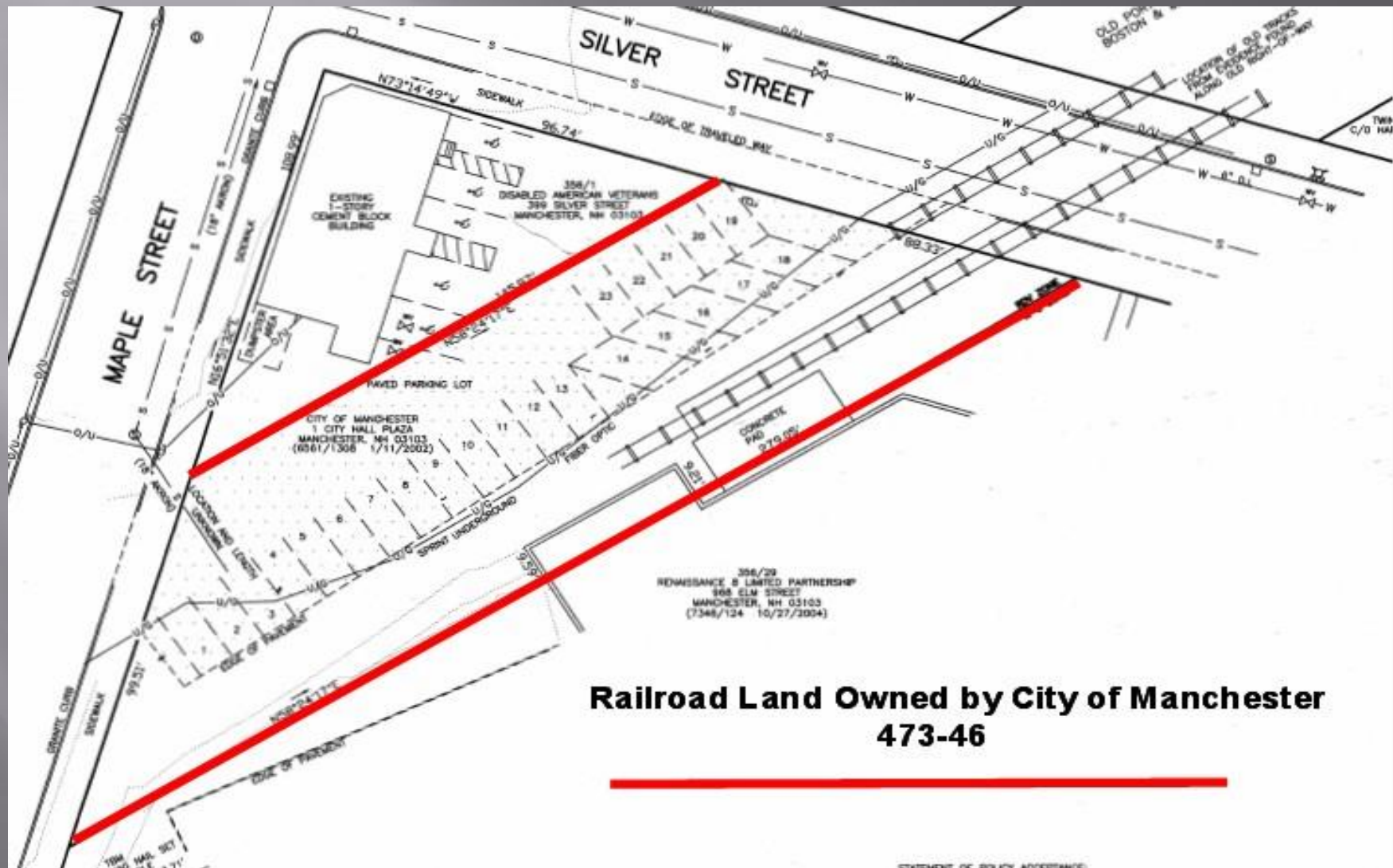
Proposal to Purchase City Surplus Land

- ❖ Mr. Provencher shall inform the State of New Hampshire Division of Historic Resources of the possible sale of said Lot and obtain such approvals and/or waivers that may be required relative to section 106 historic review process.
- ❖ It has been found and determined in a similar instance that a sale of this type surplus land is not considered “an alteration of the former railroad corridor and does not warrant Historic Review.”

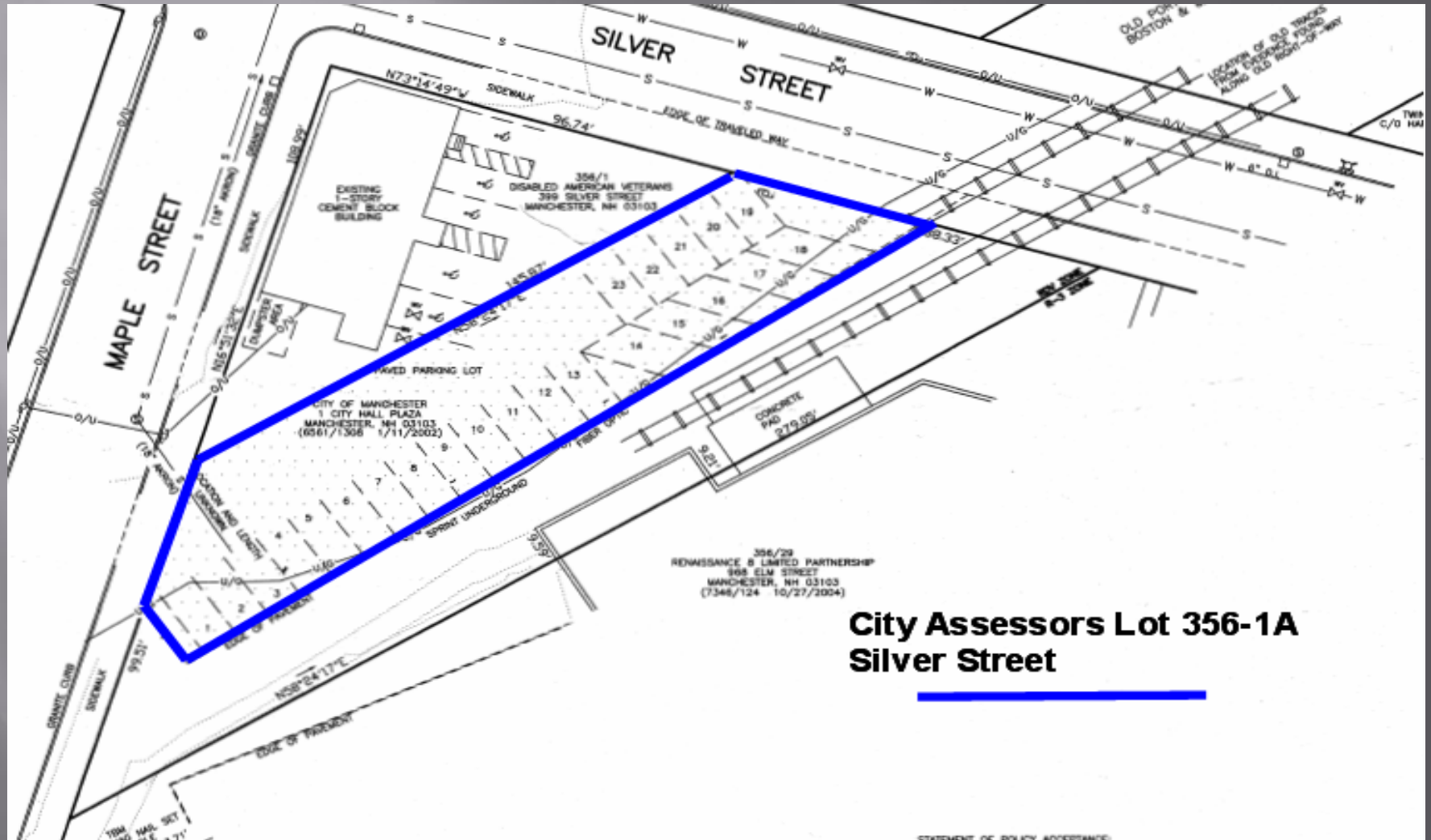
Proposal to Purchase City Surplus Land

- ❖ The following are visuals of maps, site plans and aerials to assist the Committee in their review of this Proposal.

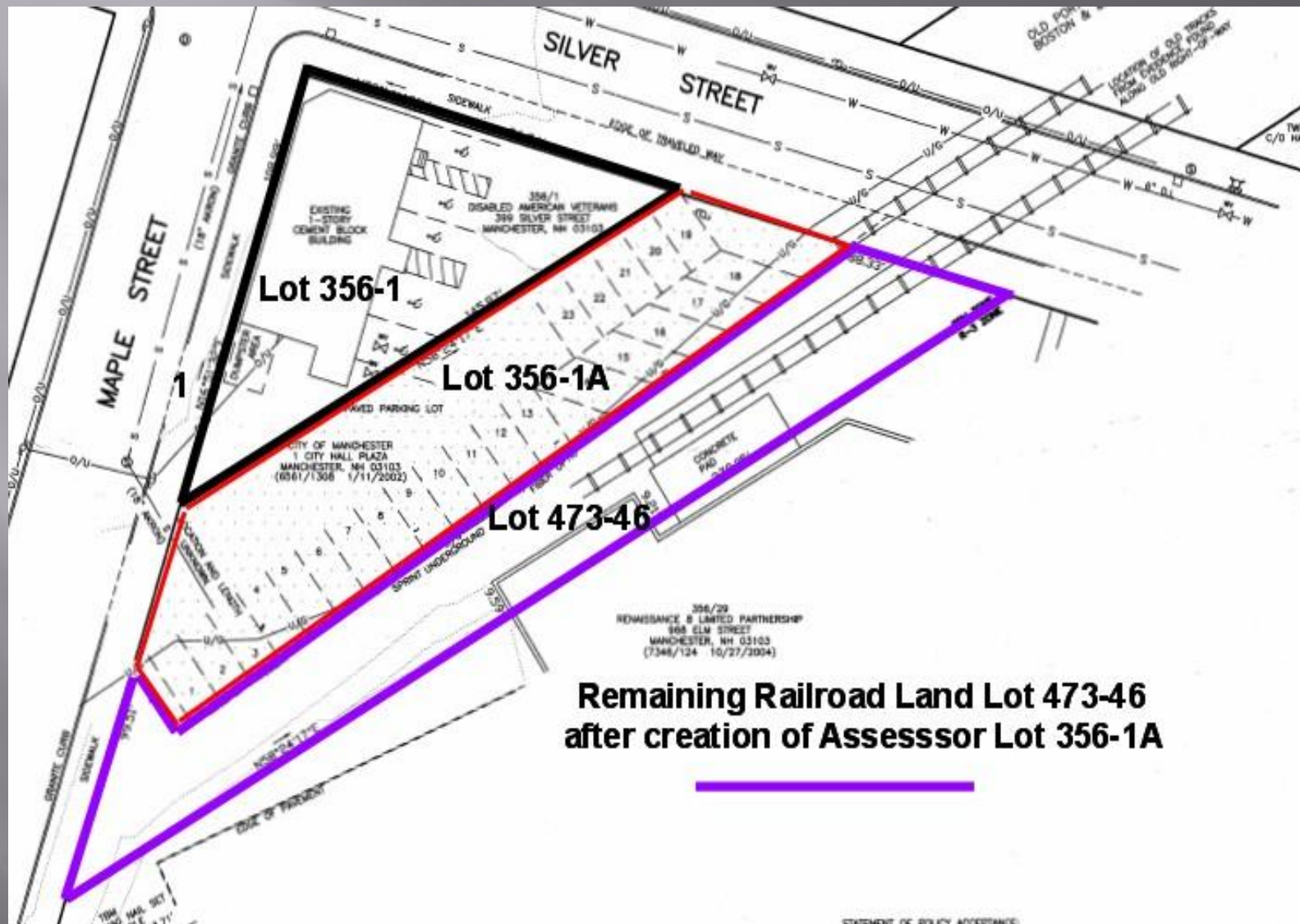
Former Portsmouth Branch Railroad Line Right-of-Way Abutting Mr. Provencher.



City Assessors Lot 356-1A divided from Railroad Land Lot 473-46

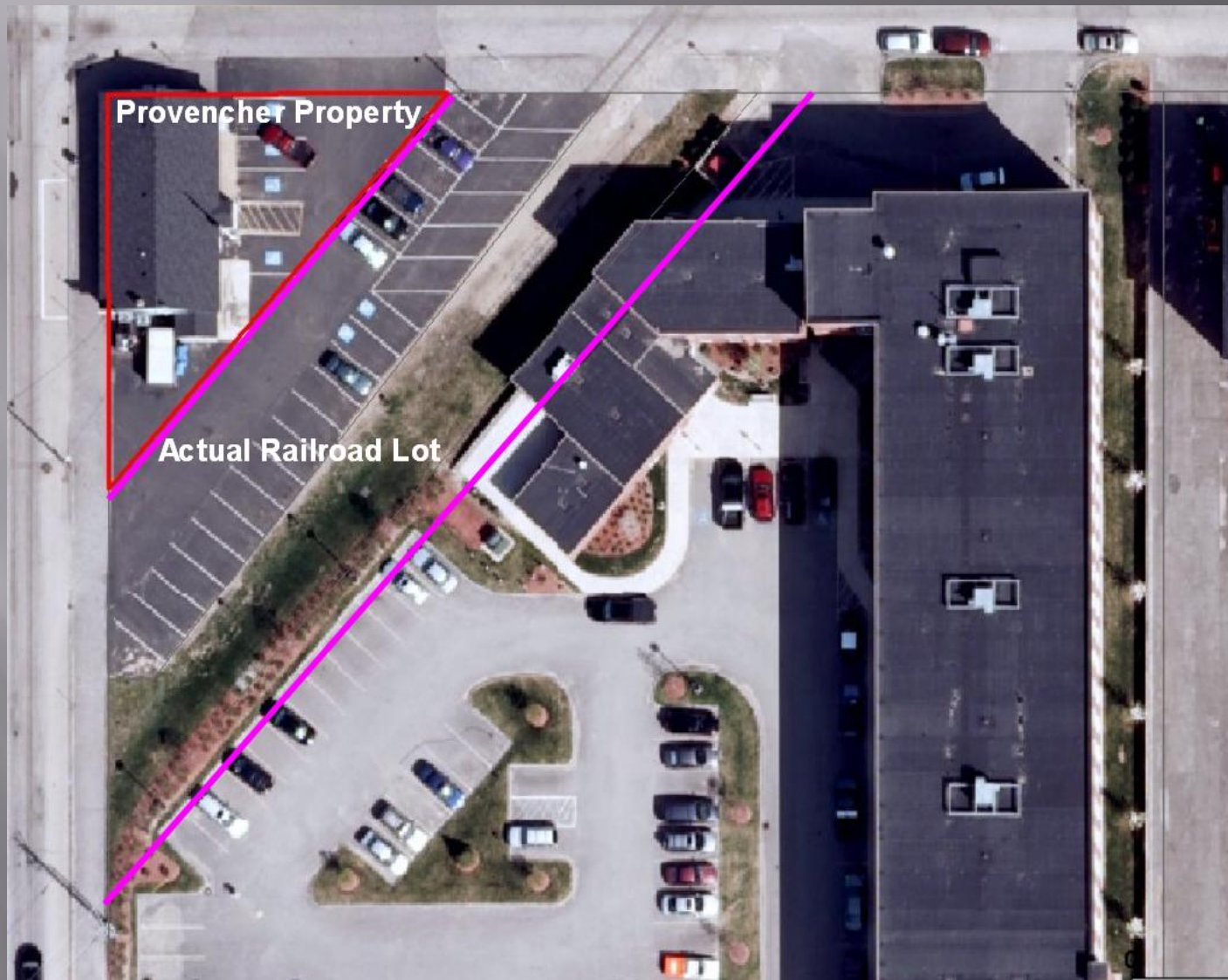


Remaining Railroad Land after Formation of Assessors Lot 356-1A



Aerial of Site

Provencher Lot Defined (red line)



City Assessors Aerial Railroad Land 473-46

473-46Find It

LegendLayersData

Selected Parcels

[Print-friendly table view](#)
[Parcel selection help](#)

1 parcel selected.

Map-Lot : 473-46
CITY OF MANCHESTER
PAGE ST
[PROPERTY DETAILS](#)

1 parcel selected.



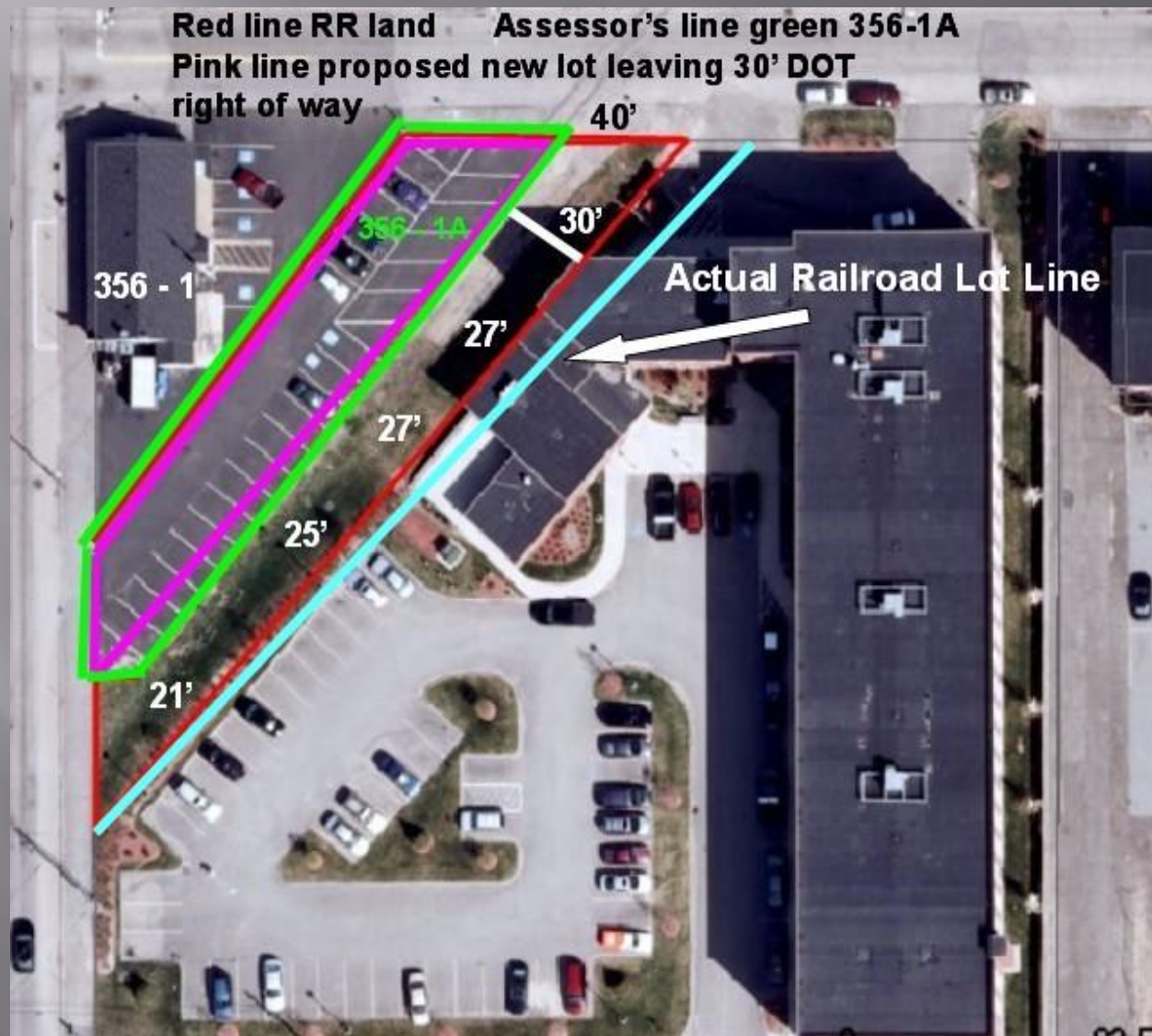
Actual Railroad Lot Line

7.44

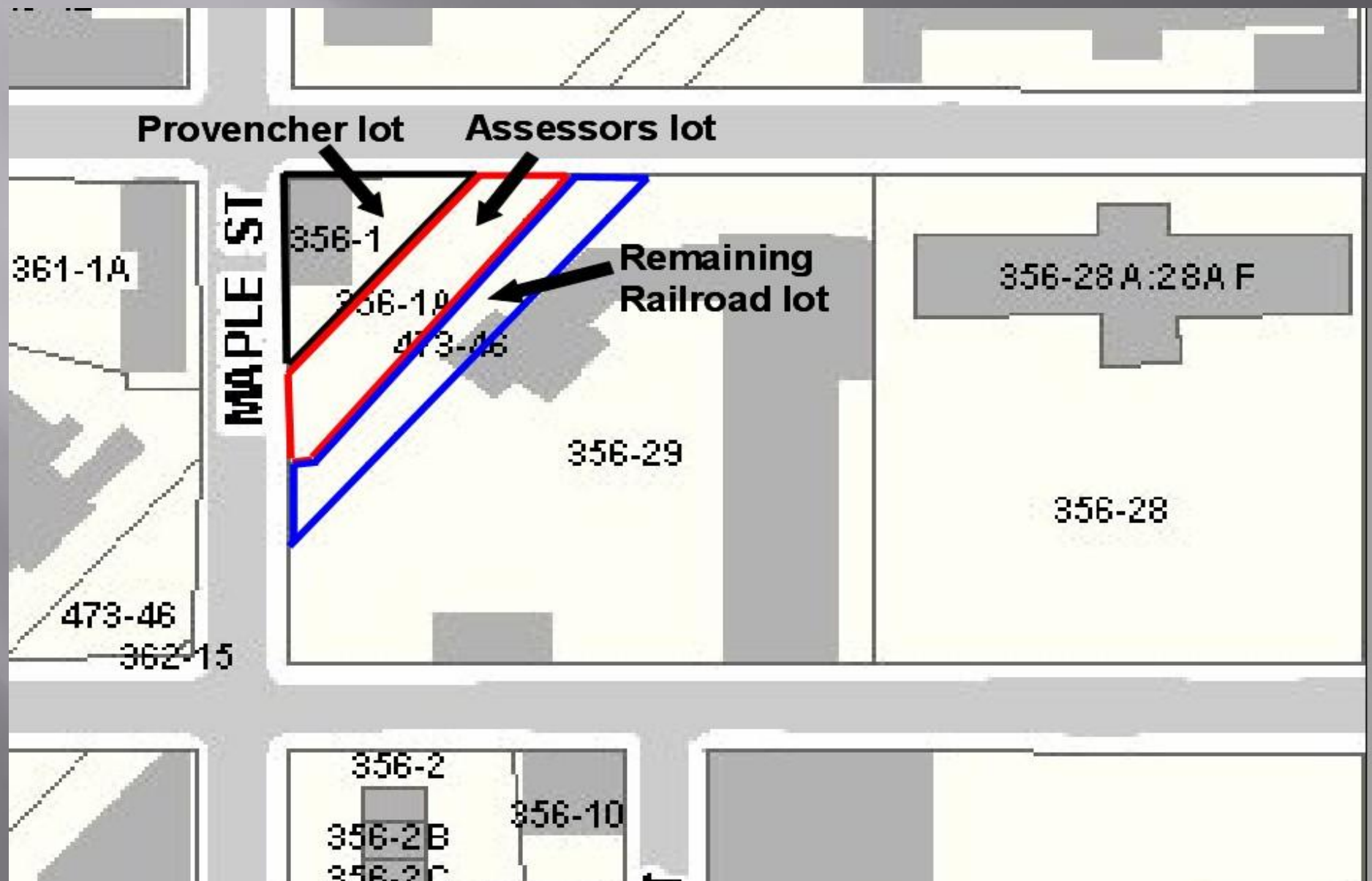
Current Aerial of Site



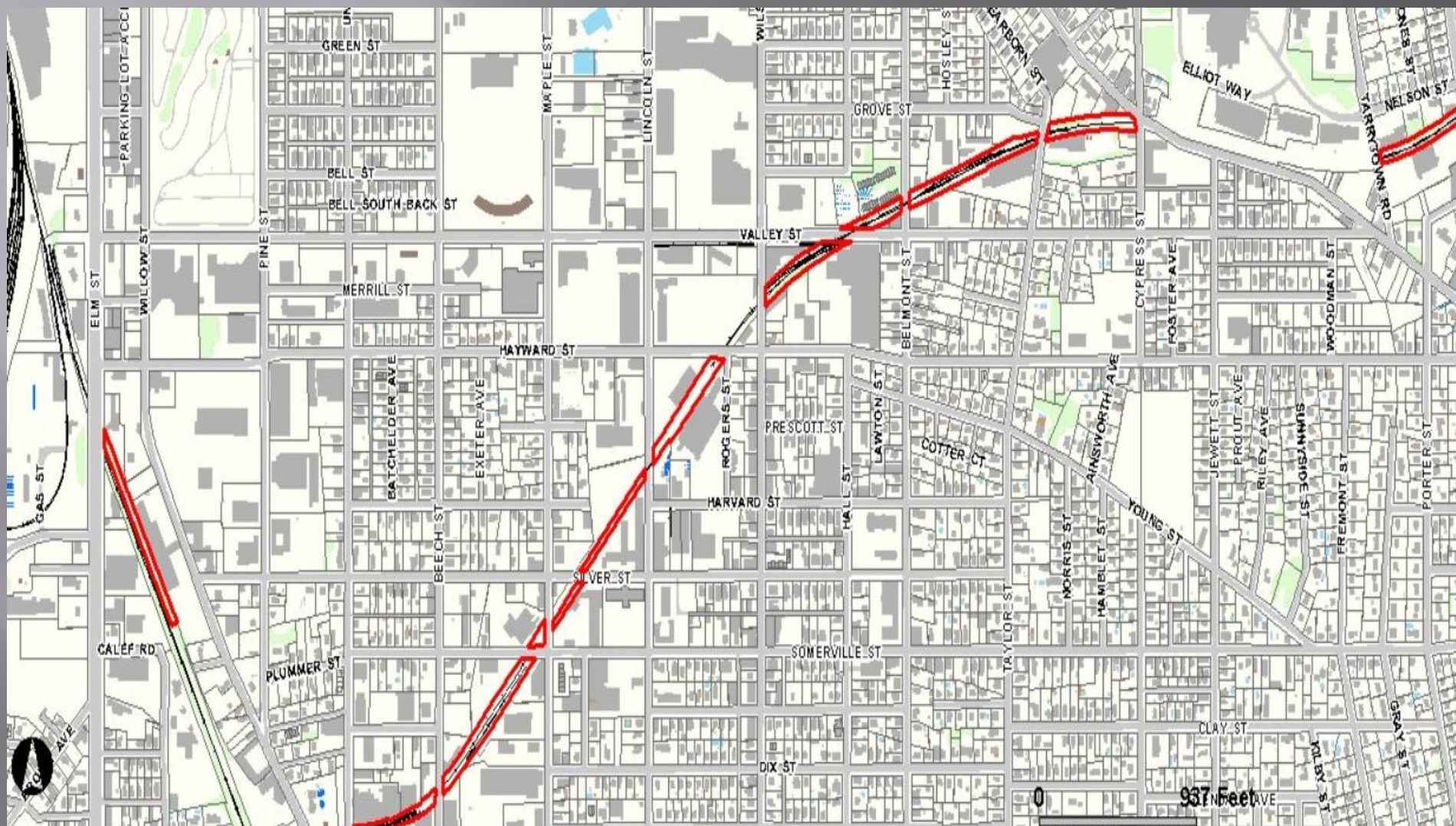
New Lot Proposed Leaving 30' NH DOT Easement (pink line)



City Assessors Map Showing 2 Lots Abutting Mr. Provencher's Land



Former Portsmouth Branch Railroad Line right-of-way



City Assessors Map 356-1A

Legend Layers Data

Selected Parcels

[Print-friendly table view](#)
[Parcel selection help](#)

1 parcel selected.

Map-Lot : 356-1A
CITY OF MANCHESTER
SILVER ST

[PROPERTY DETAILS](#)

1 parcel selected.



25 Feet



CITY OF MANCHESTER Board of Assessors

One City Hall Plaza, West Wing
Manchester, New Hampshire 03101
Tel: (603) 624-6520 – Fax: (603) 628-6288
Email: assessors@ci.manchester.nh.us
Web: www.ManchesterNH.Gov



Robert J. Gagne, Chairman
Michael W. Hurley

Lisa Turner
Assistant to Assessors

To: Chairman Patrick Long, Committee on Lands & Buildings
From: Board of Assessors
Date: June 10, 2016
Re: Request to Purchase City Land off Silver St / Portion of Rail Corridor

The Assessors have completed an analysis of the estimated market value of the above-referenced property. The following is a summary of important facts and the value estimate:

Property Location	off Silver St; abuts rear of 399 Silver St (My Friends Pub)
Assessors Map/Lot	356/1A / Separately mapped for Property Tax purposes only / Legally part of City parcel Map 473, Lot 46 / Former Portsmouth Branch rail corridor
Property Owner	City of Manchester
Deed Book/Page	Bk 6561, Pg 1308
Date Acquired	January 11, 2002 / Not a tax deeded parcel
Improved/Vacant	This area = Paved Parking Lot / Remainder of corridor = Occasional Paving Encroachments and some Revocable License users
Total Land Area	7,283 square feet proposed
Current Zoning	RDV Redevelopment / 100' & 10,000 SF minimum
Overlay District	N/A
Easements / Restrictions	Deeded by State with restrictions to use. No uses allowed that would impair use of corridor for bike, pedestrian trail or other transportation use in the future.
Estimated Value	To be disclosed in non-public session (RSA 91-A:3 II(d))
Comments	Area has been used as a parking lot for the building located at 399 Silver Street by revocable license agreement with the City. The agreement was originally with the Disabled American Veterans and is currently with Robert H. Provencher. The 399 Silver Street property does not have adequate on-site parking for its present use and relies on the corridor area for required parking. The area proposed for purchase is considered "unbuildable" as a standalone parcel. Note that private use of public property requires payment of property taxes (RSA 72:23 I (b)). Back taxes are owed on the subject parcel, see attached.

Respectfully,

Robert J. Gagne, CNHA, NHCG
Chairman

City of Manchester, NH Tax Collector's Office

Open Bills

[Click here for terminology definitions.](#)

Tax Account ID: **219934**

Owner Name: **CITY OF MANCHESTER**

Property Address: **SILVER ST**

Map-Lot: **0356-0001A**

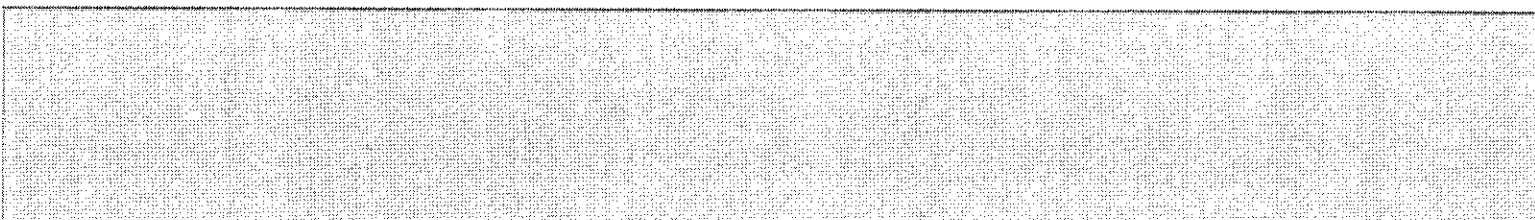
Total Taxes: **\$5,393.11**

Pending Payment(s) Amount: **\$0.00**

** Taxes Billed*
c/o Robert H Provencher
333 Cabot Rd
Manchester 03103

Tax Year	Delinquent Date	Unpaid Tax Amount	Interest Amount	Total Due
2013	12/20/2013	\$1,831.74	\$544.19	\$2,375.93
2014	07/09/2014	\$916.27	\$211.62	\$1,127.89
2014	12/19/2014	\$982.53	\$174.23	\$1,156.76
2015	07/09/2015	\$454.74	\$50.42	\$505.16
2016	07/07/2016	\$227.37	\$0.00	\$227.37

[Use of this site is subject to this disclaimer.](#)



CURRENT OWNER										TOPO.		UTILITIES		STRT./ROAD		LOCATION		CURRENT ASSESSMENT													
CITY OF MANCHESTER C/O ROBERT H PROVENCHER 333 CALEF RD MANCHESTER, NH 03103 Additional Owners:																				Description		Code		Appraised Value		Assessed Value					
																						COM LAND		3370		14,100		14,100			
																						COMMERC.		3370		5,300		5,300			
										SUPPLEMENTAL DATA																					
Other ID: 03560001A Land Adjust NO Voided NO Total SF 7283 Zone Frontage/Dep GIS ID: 356-1A										RAD OR CAD380 Callback Ltr Sketch Note Land Class Parcel Zip 03103 ASSOC PID#																					
RECORD OF OWNERSHIP										BK-VOL/PAGE		SALE DATE		q/u	v/i	SALE PRICE		V.C.	PREVIOUS ASSESSMENTS (HISTORY)												
CITY OF MANCHESTER										0/ 0		06/25/2013		U	I				Yr.	Code	Assessed Value		Yr.	Code	Assessed Value		Yr.	Code	Assessed Value		
																			2016	3370	14,100		2015	3370	14,100		2014	3370	75,500		
																			2016	3370	5,300		2015	3370	5,300		2014	3370	5,300		
																			Total:		19,400		Total:		19,400		Total:		80,800		
EXEMPTIONS										OTHER ASSESSMENTS										This signature acknowledges a visit by a Data Collector or Assessor											
Year	Type	Description		Amount		Code	Description		Number		Amount		Comm. Int.																		
Total:																															
ASSESSING NEIGHBORHOOD																				APPRAISED VALUE SUMMARY											
NBHD/ SUB		NBHD NAME		STREET INDEX NAME		TRACING		BATCH		Appraised Bldg. Value (Card)										0											
605/A										Appraised XF (B) Value (Bldg)										0											
NOTES																				Appraised OB (L) Value (Bldg)										5,300	
CITY OWNED LAND/ABANDONED RAILROAD										PRIVATE USE OF PUBLIC LAND IS TAXABLE										Appraised Land Value (Bldg)										14,100	
CORRIDOR/RECREATIONAL TRAIL																				Special Land Value										0	
USED FOR PARKING AT 399 SILVER STREET																				Total Appraised Parcel Value										19,400	
FOR "MY FRIENDS PUB" LOT/MAP 356-1																				Valuation Method:										C	
PARCEL CREATED 06.26.2013																				Adjustment:										0	
																				Net Total Appraised Parcel Value										19,400	
BUILDING PERMIT RECORD																				VISIT/ CHANGE HISTORY											
Permit ID	Issue Date	Type	Description		Amount		Insp. Date	% Comp.	Date Comp.	Comments		Date	Type	IS	ID	Cd.	Purpose/Result														
												11/17/2015 08/27/2013			RG RG	14 12	Other Chapter Land Change														
LAND LINE VALUATION SECTION																															
B #	Use Code	Use Description		Zone	Frontage	Depth	Units	Unit Price	I. Factor	S A	C. Factor	ST. Idx	S.I. Adj.	Notes- Adj	Rec Y/N	CU Cond	Special Pricing		Adj. Unit Price	Land Value											
1	3370	PARK LOT					7,283 SF	10.36	1.0000	E	0.15	605	1.25	CF=NON-BUILDABLE	N	0.000			1.94	14,100											
	7.52																														
Total Card Land Units:							0.17 AC	Parcel Total Land Area: 0.17 AC							Total Land Value:							14,100									

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)															
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description												
Model	00		Vacant																
				MIXED USE															
				Code	Description	Percentage													
				3370	PARK LOT	100													
				COST/MARKET VALUATION															
				Adj. Base Rate:				0.00											
				Replace Cost				0											
				AYB															
				EYB				0											
				Dep Code															
Remodel Rating																			
Year Remodeled																			
Dep %																			
Functional ObsInc																			
External ObsInc																			
Cost Trend Factor				1															
Condition																			
% Complete																			
Overall % Cond																			
Apprais Val																			
Dep % Ovr				0															
Dep Ovr Comment																			
Misc Imp Ovr				0															
Misc Imp Ovr Comment																			
Cost to Cure Ovr				0															
Cost to Cure Ovr Comment																			
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)																			
Code	Description	Sub	Sub Descript	L/B	Units	Unit Price	Yr	Gde	Dp	Rt	Cnd	%Cnd	Apr	Value					
PAV1	PAVING-ASPH			L	7,000	1.50	2006		0			50	5,300						
PK1	PARKING SPA			L	24	0.00	2006		0			100	0						
BUILDING SUB-AREA SUMMARY SECTION																			
Code	Description	Living Area		Gross Area		Eff. Area		Unit Cost		Undeprec. Value									
7.53																			
Ttl. Gross Liv/Lease Area:				0		0		0											

No Photo On Record



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Planning & Land Use Management
Building Regulations
Code Enforcement Division
Community Improvement Program
Zoning Board of Adjustment

Leon L. LaFreniere, AICP
Director

Pamela H. Goucher, AICP
Deputy Director Planning & Zoning

Michael J. Landry, PE, Esq.
Deputy Director Building Regulations

April 27, 2016

Alderman Patrick Long, Chairman
Committee on Lands and Buildings
Board of Mayor and Aldermen
One City Hall Plaza
Manchester, New Hampshire 03101

Re: Request to acquire City-owned parcel located at Tax Map 356, Lot 1A, located behind 399 Silver Street

Dear Chairman Long and Honorable Committee Members:

The purpose of this letter is to provide the Committee with the Planning and Community Development Department's recommendation regarding the request to purchase the above-referenced land. This recommendation is provided pursuant to Sections 34.15-25 of the Manchester, NH Code of Ordinances.

Background

The area of land at issue is denoted as Map 356, Lot 1A on the City's tax map and GIS (hereinafter "City Land")¹. It is an approximately 40-foot-wide strip of paved land located within a former railroad right-of-way owned by the City. It sits behind Tax Map 356, Lot 1, which has an address of 399 Silver Street and is owned by Mr. Robert Provencher (hereinafter "Provencher Parcel"). The request to purchase the City Land comes from Mr. Provencher, acting through his agent, Mr. Bernard Nardi. Mr. Provencher has owned his parcel since purchasing it in 2013 from the Disabled American Veterans, Chapter No. 1 (hereinafter "DAV"). *See attached aerial photograph and survey of 399 Silver Street.*

As shown on the aerial photograph and survey, the Provencher Parcel can accommodate only a few parking spaces on it. The City Land has room for significantly more parking spaces. Accordingly, shortly after purchasing his parcel from the DAV, Mr. Provencher petitioned this Committee for a revocable license to allow him to use the City Land for additional parking for his business. This committee favorably recommended the license to the Board of Mayor and Alderman, and the BMA granted the license in 2013. Prior to Mr. Provencher's purchase, the DAV had a similar license with

¹ Mr. Provencher's correspondence states that a subdivision occurred, resulting in Map 356 Lot 1A. Although the land has its own tax map and lot number on the city's GIS, it has not been subdivided from the land originally conveyed to the City by the State. It appears that Mr. Provencher has assumed that, because the lot has been separated for tax purposes, it has been subdivided, which is inaccurate.

the City. These licenses were necessary because the City Land is part of land formerly used as a railroad corridor, which the State of New Hampshire conveyed to the City in 2002.

The State's conveyance came with restrictions, including a 30-foot transportation easement that runs down the corridor and allows for "any mode of public travel." The conveyance also required that the City manage the land as a recreational trail, that federal historic review must occur prior to alteration of the railroad corridor, and that State approval must be given before selling any of the corridor.

In 2005, the Board of Mayor and Aldermen adopted a policy to address these restrictions across the corridor. That policy specifically states that it "discourage[s] private sector uses on the . . . railroad corridor," "[t]hat the general public will retain continual freedom of movement over the . . . railroad corridor," and, "[e]xcept in cases of extreme hardship, that any and all uses permitted by the City shall be by written revocable license." *See attached railroad policy.*

Since the adoption of that policy, the City has issued a handful of revocable licenses to property owners. Recent grants have included use of the corridor for parking for a 9-unit apartment building on Belmont Street and for paved truck access to RSCC Aerospace and Defense on Hayward Street.

It would be unusual, however, for the BMA to sell any of the railroad corridor, as Mr. Provencher requests. The Planning Department has a record of only one such conveyance occurring since the enactment of the railroad policy. In 2015, this Committee received a request from the owner of Hoitt's Furniture at 267 Wilson Street to purchase a 0.096-acre, approximately 15-foot-wide strip of land from the side of the railroad corridor. Hoitt's asserted that the strip was necessary to access the rear loading dock of its building and that interested buyers had backed out of purchasing the property when they found out that access to loading docks was guaranteed only by a revocable license. The Committee met on February 17, 2015, then held a special meeting on June 2. During the special meeting, Fire Marshal Peter Lennon spoke, stating that the 15-foot strip of land is also necessary for fire access to the building and requested that the lane be maintained. The Committee recommended the sale of the 15-foot strip. After obtaining the required State approval of the sale, the Board of Mayor and Aldermen approved the sale in September. The conveyance left approximately 50 feet of the corridor's width remaining. *See attached survey of 267 Wilson Street.*

Recommendation

The Planning and Community Development Department recommends that this Committee deny Mr. Provencher's request to deem the City Land surplus and sell it to him.

Selling the land to Mr. Provencher would contradict the intent of the City's railroad policy to allow the public "continual freedom of movement over the . . . railroad corridor." It would also contradict the requirement in the conveyance from the State that the City shall "use and manage the abandoned railroad corridor as a recreational trail for use by the general public." Unlike the 15-foot-wide strip requested by Hoitt's, Mr. Provencher requests to purchase an area that is approximately 40 feet wide. This would significantly impinge on the corridor, which is approximately 65 feet wide. Future use of the corridor as a public trail or right-of-way may be negatively affected if the City Land becomes privately owned.

Further, Mr. Provencher's petition requests ownership of the City Land, but his correspondence does not allege an "extreme hardship," as is required by the railroad policy. It appears that he is able to use his parking area well, without any hardship, with the existing revocable license. In contrast to Hoitt's

Furniture, all sides of Mr. Provencher's building are accessible without the use of the railroad corridor.
See attached photographs.

For the foregoing reasons, this department recommends denial of the request. If you have any questions, staff from this department will be available at your meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey Belanger', with a long horizontal flourish extending to the right.

Jeffrey Belanger, Senior Planner
Manchester Planning and Community Development Department

Cc: Kevin Shepard, PE, Director of Public Works
Robert Gagne, Chairman, Board of Assessors
File

Tax Map 356, Lot 1A

Parcel Owned by City and Requested for Sale

Silver Street

Maple Street

Tax Map 356, Lot 1
Owned by Mr. Provencher

Tax Map 356, Lot 1A
Owned by the City

0 20 40 80 Feet

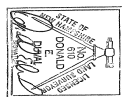


Produced by the Manchester Planning and Community Development Department
for a report submitted to the Committee on Lands and Buildings on April 27, 2016.

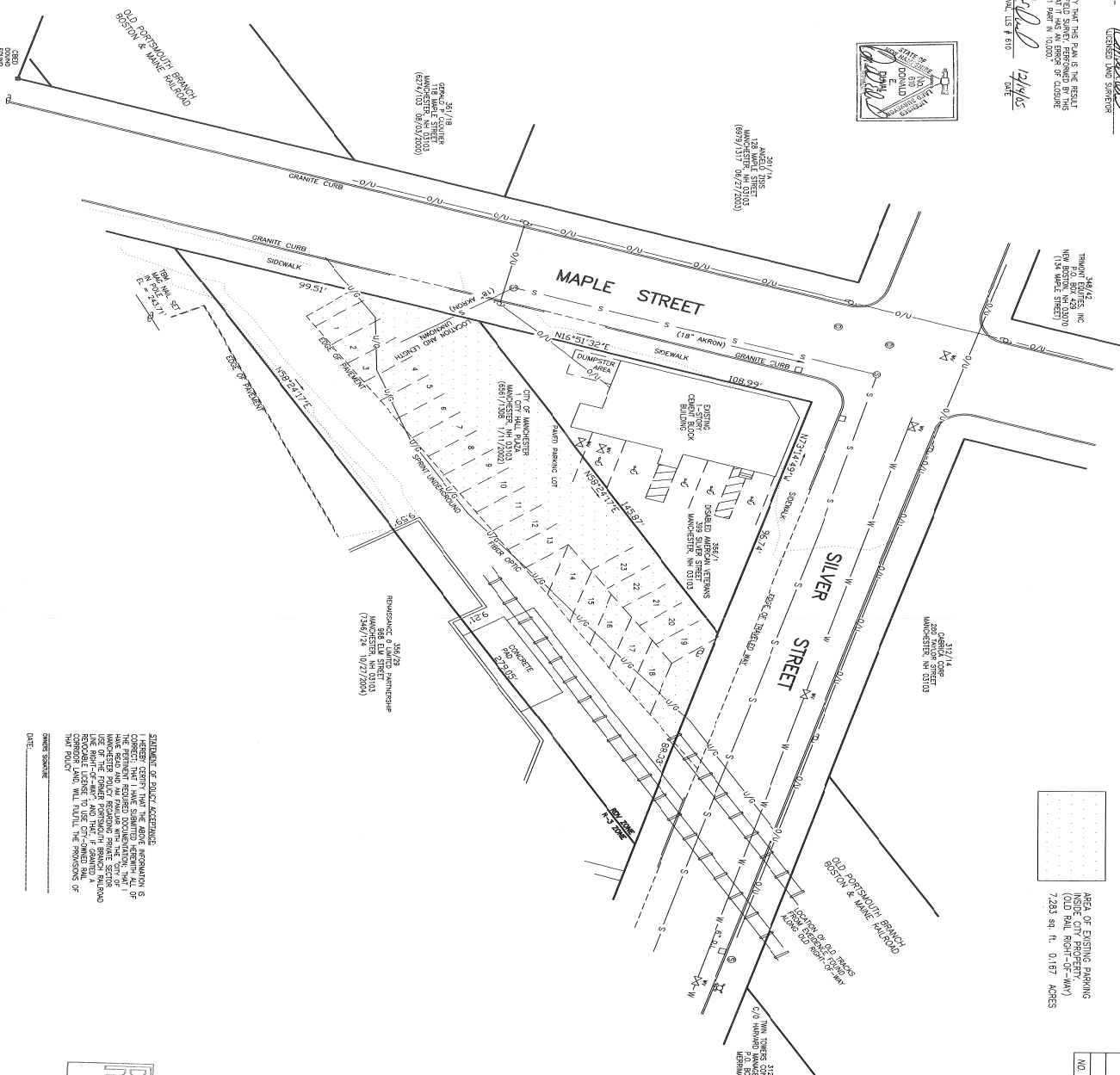
PURSUANT TO RSA 676:14-I AND RSA 672:14, I HEREBY CERTIFY THAT THIS SURVEY PLAN IS NOT A SUBDIVISION OF LAND AND DOES NOT CREATE NEW LOTS OR INTERESTS IN LAND AND DOES NOT SHOW ANY LINES OF PUBLIC OR PRIVATE STREETS OR ALLEYS, EXCEPT WHERE SHOWN, AND THAT NO NEW LINES ARE SHOWN.

DATE: 12/14/05
 SIGNED: [Signature]
 REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT THIS PLAN IS THE RESULT OF MY OWN SURVEY AND NOT A REPRODUCTION OF ANOTHER SURVEY AND THAT I HAVE NO KNOWLEDGE OF ANY OTHER SURVEY OF THE SAME OR PART THEREOF.
 DONALD E. DYML, L.S. # 610
 DATE: 12/14/05

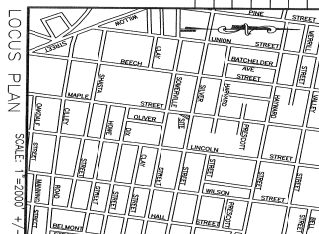


MAG. 8/2004



AREA OF EXISTING PARKING
 (OLD PAUL ROUGH-OF-WAY)
 1.283 SQ. FT. 0.167 ACRES

NO.	DATE	DESCRIPTION	BY



NOTES

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING SITE CONDITIONS OF MAP 356 LOT 1 AND MORE PARTICULARLY THE EXISTING PARKING SPACES ON LAND OWNED BY THE CITY OF MANCHESTER.
2. OWNER OF RECORD IS
 DISABLED AMERICAN VETERANS
 399 SILVER STREET
 MANCHESTER, NH 03103
3. DEED REFERENCE IS: H.C.R.D. B-759/P-377 (11/19/1965)
4. ZONING OF THIS PARCEL IS ROW, REDEVELOPMENT, MIXED USE.
5. TOTAL AREA OF PARCEL IS 5,272 SQ. FT. OR 0.12 ACRES.
6. ELEVATION BASED ON HAWK8 FROM CITY OF MANCHESTER HIGHWAY DEPARTMENT PLANS FOR THE RECONSTRUCTION OF MAPLE STREET.
7. UTILITIES SHOWN ARE FROM VISUAL ON-SITE OBSERVATION AND UNLESS NOTED OTHERWISE, THEY ARE NOT TO BE CONSIDERED AS SHOWN OR SHOWN TO BE REMOVED BEFORE ANY WORK.

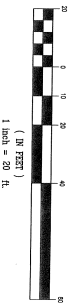
REFERENCE PLANS

1. "SUBDIVISION PLAN MAP 356 LOT 9 & 10 CORNWELL & OLIVER STREETS, MANCHESTER, NH FOR LAWRENCE DULAC" BY DYML SURVEY, INC. MARCH 2002
2. "SUBDIVISION PLAN #1754 THE 24-4 CITY HEIGHT CONDOMINIUM-MANCHESTER NH FOR CARROLL CORP. BY MARVIN J. WOOD, L.S. JULY 1988 H.C.R.D. PLAN #22442
3. "SUBDIVISION PLAN BOSTON & MAINE CORP. & MARCEL HALL" BY GEORGE F. KELLER, INC. SEPT. 1985
4. "PLAN SHOWING LAND OF F.M. HOTT SHOE CORP. IN MANCHESTER" H.C.R.D. & MAP 1933
5. "CITY OF MANCHESTER DEPARTMENT OF HIGHWAYS ENGINEERING DIVISION MAPLE STREET-MAPLE STREET RECONSTRUCTION CULLEY RD TO HAWARD ST. STA. 22+78 TO 29+17 SHEET 3"
6. TOPOGRAPHIC PLAN MAP 356 LOT 29, 415 SILVER STREET, MANCHESTER, NH FOR REHABILITATION & LIMITED PARTNERSHIP BY THIS OFFICE.



SITE PLAN
MAP #356 LOT 1
399 SILVER STREET
MANCHESTER, NH
DISABLED AMERICAN VETERANS
 PREPARED FOR
 DECEMBER 14, 2005 1"=20'

GRAPHIC SCALE



DYML SURVEY INC.
 14 DARTMOUTH STREET
 HOOKSETT, NH
 (603) 668-2125

***City of Manchester Policy
Regarding
Private Sector Use of
the Former Portsmouth Branch Railroad Line Right-of-Way***

1. *BECAUSE* the conveyance deed which transferred the former Portsmouth Branch Line right-of-way from the State of New Hampshire to the City of Manchester requires that the City of Manchester “*shall use and manage the abandoned railroad corridor as a recreational trail for use by the general public*”, and
2. *BECAUSE* that same deed requires that “*Any future alterations by the City of Manchester to the abandoned railroad corridor shall necessitate review by the Federal Highway Administration relative to the Section 106 historic review process*”; and
3. *BECAUSE* that same deed requires that the “*City of Manchester must obtain approval from the New Hampshire Department of Transportation before selling any portion of the abandoned railroad corridor*”; and
4. *BECAUSE* that same deed reserves to the State of New Hampshire “*a transportation easement, 30 feet in width, crossing all the [parcels associated with the former Portsmouth Branch Line ROW] for any mode of public travel. . . .*”, and
5. *BECAUSE* any application by the City for state and federal Section 106 historic review which would be necessitated by any alteration to the former Portsmouth Branch railroad corridor would represent a significant time and monetary expense to the City;
6. It is *CONSEQUENTLY* the policy of the City of Manchester to

PROMOTE the development of authorized public recreational uses along the former Portsmouth Branch railroad corridor; and, in order to satisfactorily ensure this end,

DISCOURAGE private sector uses on the former Portsmouth Branch railroad corridor.
7. In any exceptional case where the City is considering the authorization of private sector use of any portion of the former Portsmouth Branch railroad corridor, it is also the policy of the City of Manchester to ensure the following:
 - (a) That any terrain alteration activities will be strictly limited to removal of steel rails and wooden ballast works, the installation of recreational trails, and/or installation of a loam and grass seed cover and work will be carried out under the supervision, and to the satisfaction, of the Parks, Recreation and Cemetery Department;
 - (b) That all approved terrain alteration, recreational trail installation, and/or loam and grass seeding activity will be carried out and paid for by the authorized private sector entity;
 - (c) That no structure including fencing, not related to recreational trail usage will be constructed or placed within any portion of the former Portsmouth Branch railroad corridor;

- (d) That the general public will retain continual freedom of movement over the Portsmouth Branch railroad corridor;
 - (e) That no use will be authorized if its current or future purpose is to satisfy, or aid in satisfying for any private sector person or entity, any zoning ordinance, site plan or subdivision requirement, or any other municipal ordinance or regulation;
 - (f) That no use will be authorized if any activity associated with that use would sufficiently alter the former Portsmouth Branch railroad corridor in such a way as to necessitate any state or federal evaluation under the Section 106 historic review process;
 - (g) Except in cases of extreme hardship, that any and all uses permitted by the City shall be by written revocable license;
 - (h) That any and all issued licenses shall contain a provision which will allow it to be revocable by the City, in its sole discretion at any time for any reason. Upon revocation the private person or entity shall return Portsmouth Branch corridor to its original condition or to such condition as the Parks, Recreation and Cemeteries Department shall agree; and
 - (i) That any issued license may contain any provision deemed reasonable by the City Solicitor to carry out the intent of this policy or for any other purpose.
8. Procedure: Any person or entity wishing to use a portion of a former Portsmouth Branch railroad corridor shall:
- (a) Submit a written application to the Committee on Lands and Buildings (c/o the City Clerk) which shall include a listing of the specific uses planned for the former Portsmouth Branch railroad corridor and shall also include a site plan of the affected area which has been prepared and signed by a licensed surveyor. The site plan shall, at minimum, show the boundaries of the former Portsmouth Branch railroad corridor, the location of the applicant's property, and existing and proposed site conditions.
 - (b) The City Clerk shall send a copy of the application to the Planning and Community Development Department and to the Parks, Recreation and Cemeteries Department for review and recommendation.
 - (c) Once the City Clerk has received the recommendations of the Planning and Community Development and Parks, Recreation and Cemeteries Departments, the application along with the departmental recommendations shall be placed on the agenda of the Committee on Lands and Buildings for Committee action.
 - (d) Should the Committee on Lands and Buildings recommend that the uses proposed in the written application, as it may be amended, be allowed, that recommendation shall then be sent to the Board of Mayor and Aldermen for action.

REFERENCE PLANS

1. BOSTON & MAINE RAILROAD V.L. SHEET 28-40.
2. LAND OF USM CO. ON HALL, HAYWARD & WILSON ST. MANCHESTER, NH.* DATED 6/5/1933. PREPARED BY GEORGE C. BERGMAN, HCD PLAN 911.
3. BOUNDARY PLAN OF LAND, TAX MAP 101 - LOT 8, TAX MAP 342 - LOT 41, VALLEY ST., HALL ST. & HAYWARD ST., MANCHESTER, NH. OWNER OF RECORD, INTERNATIONAL PAPER, PREPARED FOR: PNC CORPORATION, DATED 3/15/1996, PREPARED BY BDC C. MITCHELL & ASSOC. INC. HCD PLAN 28118.
4. MOSCOW MANUFACTURING COMPANY PLANS.

REFERENCE PLANS CONTINUED

5. TAX MAP 128 LOT 1A, PROPOSED PAVING PLAN PREPARED FOR HAY PLAN & HAY PLAN, LOCATED AT 66 VALLEY STREET, MANCHESTER, NH. LOST THUS ON JUNE 19, 2014 AND PREPARED BY THIS OFFICE. ON FILE AT THIS OFFICE.
6. CITY OF MANCHESTER SECTION SHEET K.
7. SURVEY PLAN OF LAND FOR PETER SPRECK, HAYWARD STREET, MANCHESTER, NH. DATED 3/17/1986, PREPARED BY MARTIN J. NICCO, RLS. HCD PLAN 19018.
8. PLAN OF LOTS OF THE ELLIOTT MANUFACTURING COMPANY, DATED 12/3/1892, PREPARED BY JOSEPH B. SAWYER, HCD PLAN 64.

TAX MAP 128 LOT 19
MANCHESTER, NH - TOWN &
BOONVILLE, PA. 03015
DECEMBER 1, 19015
BK. 5916 PG. 392

TAX MAP 44 LOT 1
TAN, PROPERTIES, LLC
20 CONCORD ST.
WILMINGTON, MA 01887
BK. 5916 PG. 394

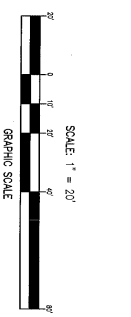
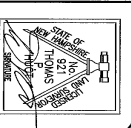
TAX MAP 109 LOT 6
P. CO. SHIRMAN & CO.
77-A OLD BERRY ROAD
LONDONBERRY, VA 03053
BK. 5381 PG. 561

TAX MAP 109 LOT 4
CARL LONGO EXEMPT
FAMILY TRUST
1220 UNION STREET
MANCHESTER, NH 03104
BK. 6868 PG. 588

TAX MAP 109 LOT 3
MANCHESTER, NH
21 LINCOLN STREET
MANCHESTER, NH 03103 - 5993

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND WAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN TEN THOUSAND (1:10,000).
DATE: 6/18/2015
LICENSED LAND SURVEYOR



SYMBOL LEGEND

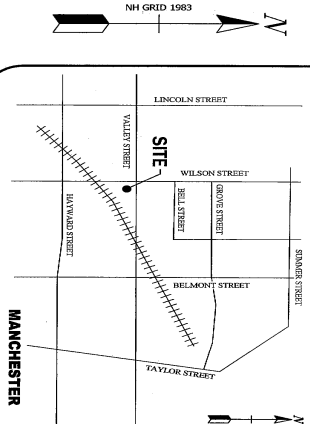
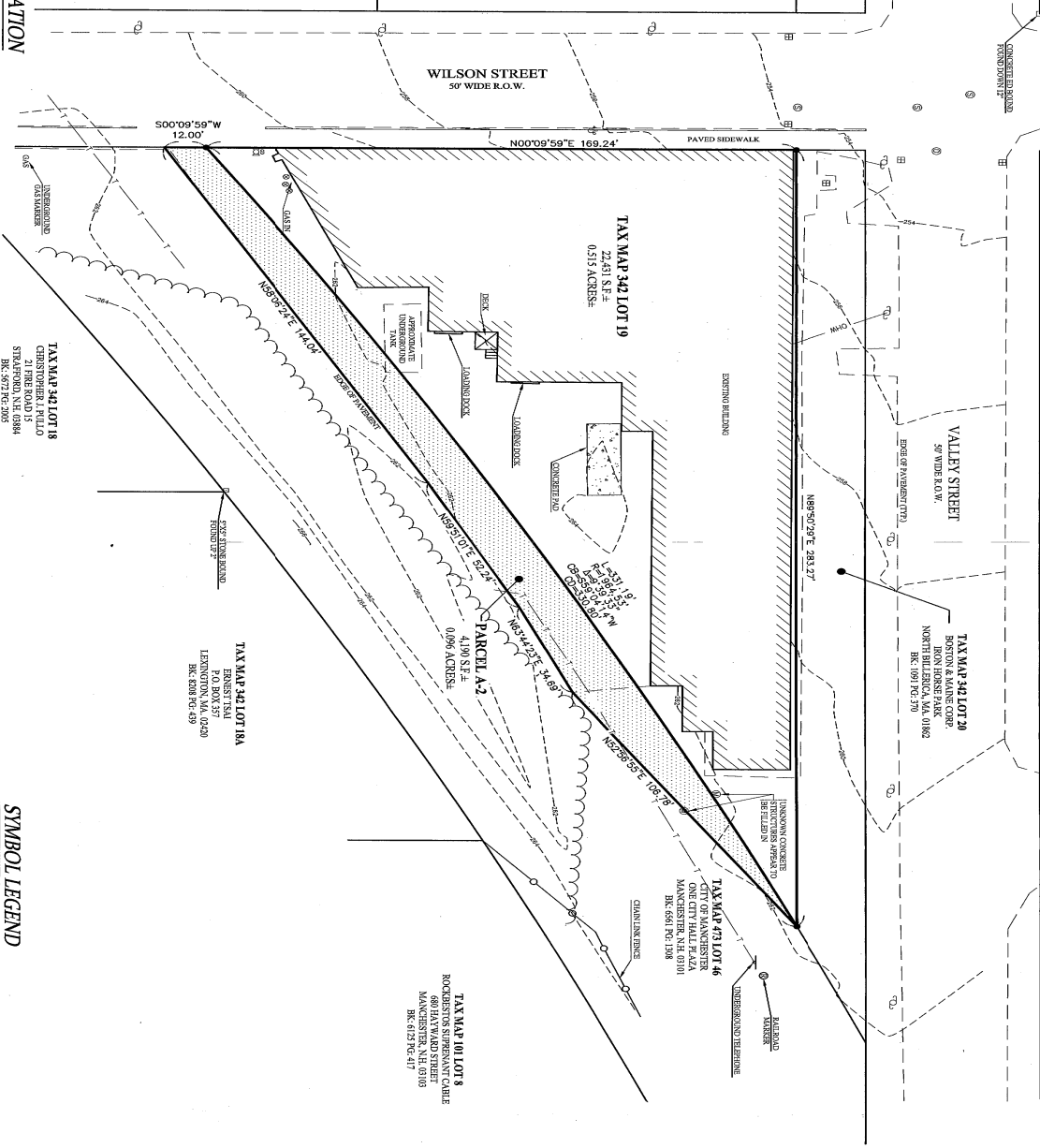
- WATER SHUTOFF
- SEWER MANHOLE
- DRAIN MANHOLE
- GAS SHUTOFF
- UTILITY POLE
- CATCH BASIN
- SIGN
- OVERHEAD WIRE
- REAR W/ ID CAP OR PAUL ROAD SPIKE SET
- BOUND FOUND

267 WILSON STREET
MANCHESTER, NEW HAMPSHIRE

CARL J. LONGO EXEMPT
FAMILY TRUST

TAX MAP 342 LOT 19
EXHIBIT PLAN 2

SHLAND LAND SERVICES
1777 WILMINGTON ROAD - MANCHESTER, NH
PHONE: (603) 488-8800, FAX: (603) 488-7791
DATE: JUNE 13, 2015
JOB #2014189



LOCUS MAP

NOT TO SCALE

NOTES

1. OWNERS OF RECORD:
TAX MAP 342 LOT 19
MARGUERITE C. LONGO &
PAUL BUCKLEY SR. TRUSTS
CARL J. LONGO EXEMPT FAMILY TRUST
SUITE 401
75 MARKET STREET
PORTLAND, ME 04101
BK. 6868 PG. 588
2. THE INTENT OF THIS PLAN IS TO SHOW THE PROPOSED AMENDATION OF PARCEL A-2 TO BECOME A PART OF LOT 19.
3. THE SUBJECT PARCEL IS ZONED "RD", SETBACKS ARE AS FOLLOWS:
FRONT = NONE
SIDE = NONE
REAR = NONE
4. THIS PLAN REPRESENTS EXISTING CONDITIONS, BOUNDARY EVIDENCE, AND HOMEOWNERS' ASSOCIATION AS OBSERVED DURING A SURVEY BY THIS OFFICE IN JULY 2014.
5. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP R22-HILLSBOROUGH COUNTY, NEW HAMPSHIRE, MAP NUMBER 3301103270, EFFECTIVE DATE SEPTEMBER 25, 2009.
6. ALL UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE. THIS OFFICE HAS NOT LOCATED ANY UNDERGROUND UTILITIES, ALWAYS CALL DIG SAFE TO MARK OUT UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION ACTIVITIES.
7. THIS PLAN DOES NOT CONSTITUTE A LOT LINE ADJUSTMENT APPROVAL FROM THE CITY OF MANCHESTER. THE PLANNING BOARD WOULD BE REQUIRED TO APPROVE THIS PLAN AND THE PLANNING BOARD WOULD BE REQUIRED TO APPROVE LOT 19 TO DEDICATE AN AREA THAT THEY WOULD LIKE TO PURCHASE FROM THE CITY OF MANCHESTER.



Access to 356-1 from Silver Street



Access to 356-1 from Maple Street

Brenda Masewic Adams, CTC
Tax Collector



Deputy Tax Collector

CITY OF MANCHESTER ***TAX COLLECTOR***

Memorandum

DATE: May 3, 2016
TO: Committee on Lands & Buildings
FROM: Brenda Masewic Adams, Tax Collector
RE: Map 0356, Lot 0001A, Silver St

As requested, the following contains information regarding property located at:
SILVER ST

Map/Lot: 0356/0001A
Current Liens: None
Back Taxes: \$5,127.67 as of 5/9/16
Interest Per Day: \$1.37

The above-referenced was not a tax-deeded parcel and, as such, the Tax Collector's Office has no objections to the disposition of this property. Attached are statements of accounts.

Account description				Property address/description			
Owner name				Tax account ID Roll			
Yr	P	Billed amt	Tax due	Pen/int	Other +/-	Costs	Total due
				Per diem	Per diem		
0356 -0001A				SILVER ST			
CITY OF MANCHESTER				219934 RE REAL ESTATE TAX			
2013	2	1831.74	1831.74	524.90	.00	.00	2356.64
				.60	.00		
2014	1	916.27	916.27	201.97	.00	.00	1118.24
				.30	.00		
2014	2	982.53	982.53	163.89	.00	.00	1146.42
				.32	.00		
2015	1	454.74	454.74	45.63	.00	.00	500.37
				.15	.00		
2015	2	.00	.00	.00	.00	.00	.00
				.00	.00		
Property totals			4,185.28		.00		5,121.67
		4,185.28		936.39		.00	
Total per diem:				1.37	.00		
Grand totals:			4,185.28		.00		5,121.67
		4,185.28		936.39		.00	
Per diem:				1.37	.00		

Interest amounts shown above are calculated as of 5/09/2016

City of Manchester, NH
Tax Collector's Office
One City Hall Plaza
Manchester NH 03101
Phone: (603) 624-6575
5/09/16

Map-Lot
0356 -0001A

219934

CITY OF MANCHESTER
C/O ROBERT H PROVENCHER
333 CALEF RD
MANCHESTER NH 03103

Legal Description
SILVER ST

* * D E L I N Q U E N T T A X S T A T E M E N T * *

TAX YEAR =====	BASE TAX =====	PENALTY/INT =====	OTHER +/- =====	TOTAL DUE =====
13-2 RETX	1,831.74	524.90	.00	2,356.64
14-1 RETX	916.27	201.97	.00	1,118.24
14-2 RETX	982.53	163.89	.00	1,146.42
TOTAL 14	1,898.80	365.86	.00	2,264.66
15-1 RETX	454.74	45.63	.00	500.37
Total Due	4,185.28	936.39	.00	5,121.67

This is a statement of your delinquent REAL ESTATE TAX
as of 05/09/16.

BRADY SULLIVAN

PROPERTIES

Marc A. Pinard, General Counsel
Direct Line: 603 657-9715
Email: mpinard@bradysullivan.com
Licensed to practice in New
Hampshire & Massachusetts

November 23, 2015

NOV 24 2015

VF

Mayor Ted Gatsas
One City Hall Plaza
Manchester, NH 03101

Re: Proposed Purchase of Land Comprising Plaza Drive

Dear Mayor Gatsas:

On behalf of Brady Sullivan Properties, LLC, and its affiliate, Brady Sullivan Plaza, LLC (collectively "Brady Sullivan"), I write to propose the purchase by Brady Sullivan of the land comprising Plaza Drive in Manchester for the sum of Fifty Thousand Dollars \$50,000.00.

If Brady Sullivan acquires the property, the City's tax base will be benefited and the City will no longer have to maintain the street and the sidewalks, saving the taxpayers significant expense.

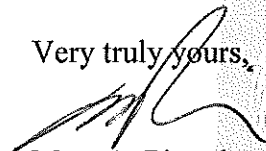
If a purchase is consummated, Brady Sullivan will agree to leave the area open to the public until such time as a development deal requires that the area be closed to public use. This will allow the public to continue to pass through the area in the interim.

The proposed purchase price is based upon the land not being useable by a Buyer other than the owner of the Plaza property, which significantly affects its potential market value.

Based on the totality of the circumstances, Brady Sullivan believes that the City will benefit greatly through this sale.

Thank you for your attention to this request. We look forward to your response.

Very truly yours,



Marc A. Pinard

670 N. COMMERCIAL STREET MANCHESTER NH 03101
P 603.622.6223 F 603.622.7342
BRADYSULLIVAN.COM

City of Manchester:

The Derryfield Restaurant would also like to construct a snack shack located to the left of the 10th tee. The cost of the construction would be paid for by the restaurant (with the exception of the bathrooms and tree removal). The City is to review and approve plans.

The restaurant would also like to increase the size of the north lot (City to provide needed fill). The restaurant will provide engineered plan for City's approval.

These changes would also be incorporated in the addendum to the lease which is enclosed.

Sincerely,



Mike Lanoie
The Derryfield Restaurant

ADDENDUM NUMBER FOUR
TO MANAGEMENT AGREEMENT

This Addendum to Management Agreement is made this ____ day of _____, 2016 by and between CITY OF MANCHESTER, a duly organized municipal corporation, having an address of One City Hall Plaza, Manchester, New Hampshire, 03101, by and through its Parks, Recreation & Cemetery Department, having an address of 625 Mammoth Road, Manchester, County of Hillsborough and State of New Hampshire (hereinafter called "Owner"), and BLL RESTAURANT, INC., a New Hampshire Corporation having a principal place of business at 625 Mammoth Road, Manchester, County of Hillsborough and State of New Hampshire (hereinafter called ("Manager")).

WHEREAS, the Owner and Manager have entered into a certain Management Agreement dated December 13, 2002 regarding the construction and management of certain premises owned by the Owner at 625 Mammoth Road ("Management Agreement");

WHEREAS, the Owner and Manager have entered into an Addendum to Management Agreement dated March 14, 2003;

WHEREAS, the Owner and Manager have entered into an Addendum Number Two to Management Agreement dated October 8, 2004;

WHEREAS, the Owner and Manager have entered into an Addendum Number Three to Management Agreement dated _____; and

WHEREAS, the Owner and Manager desire to further amend certain terms of the Management Agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section 3 of the Management Agreement is amended by adding the following to the end of the Section:

"The Term of this Agreement shall be extended for a Twenty-Five (25) year period commencing on _____ and terminating on _____. The Manager shall have the Option to Extend the term for one (1) additional period of five (5) years, commencing on _____ and terminating on _____ by providing the Owner with written notice of its intent to exercise this Option within ninety (90) days prior to termination. Such Option Term shall be on the same terms and conditions then in effect at the time the Option is exercised."

2. The first sentence of Exhibit B shall be amended as follows:

“The Share of Revenue shall consist of three components.”

3. Exhibit B, #2 shall be amended by replacing the existing language with the following:

“Beginning on _____ and on the first of every month thereafter, through the remaining term of this Management Agreement, Manager shall pay to Owner the amount of Twelve Thousand Dollars (\$12,000.00), in fulfillment of its Minimum Share of Revenue Obligations under the Management Agreement.”

4. Exhibit B, #3(a), (b), and (c) shall be amended by replacing the existing language with the following:

“For the period beginning on _____ through the remaining term of this Management Agreement, the Percentage Share of Revenue shall be an amount equal to 1.5% of Gross Revenues.”

5. Exhibit B, #4 as set forth in Addendum Number Three to Management Agreement is deleted in its entirety.

6. These Amendments shall become effective on _____.

7. All other provisions of the Management Agreement, as amended, shall remain in full force and effect. In the event of any inconsistency between this Addendum Number Four and the Management Agreement, as amended, the terms of this Addendum Number Four shall control.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be signed by a duly authorized person on the day and year first above-written.

CITY OF MANCHESTER

BLL RESTAURANT, INC.

By: _____
Name: Theodore L. Gatsas

By: _____
Name: Michael Lanoie

Title: Mayor

Title:

By: _____

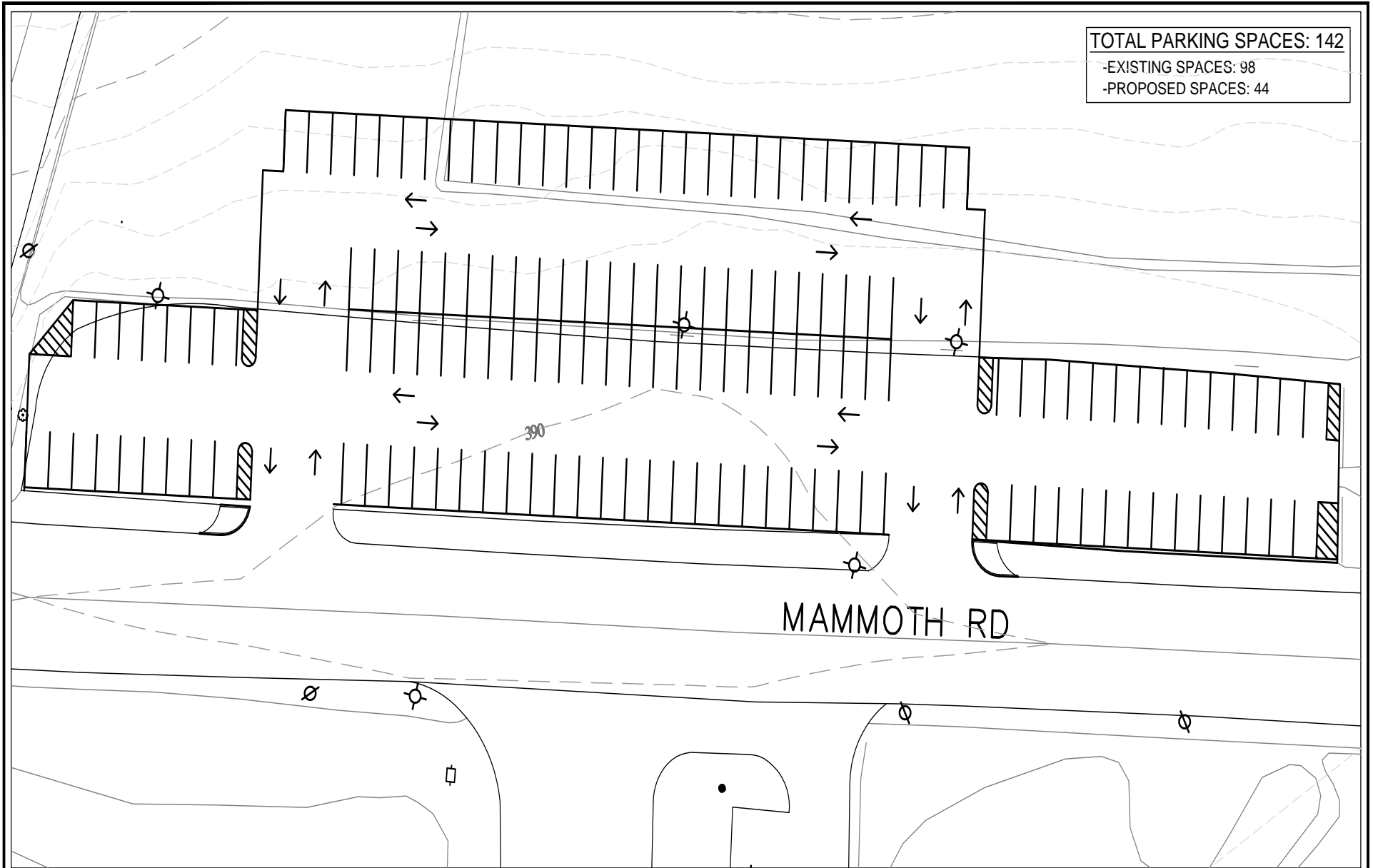
Name: William Laberge

Title:

TOTAL PARKING SPACES: 142

-EXISTING SPACES: 98

-PROPOSED SPACES: 44



MAMMOTH RD

DERRYFIELD PARKING LOT
SEPTEMBER, 2016
DESIGN #3



SCALE
1" = 30'

Derryfield Parking Lot

TOTAL PARKING SPACES: 142
-Existing Parking Spaces: 98
-New Parking Spaces: 44



MAMMOTH ROAD

1 inch = 50 feet

Current Proposal

	Annual Payment	Profit Share	Total Annual	Running Total
2017	\$ 150,000	\$ 42,000	\$ 192,000	\$ 192,000
2018	\$ 150,000	\$ 42,000	\$ 192,000	\$ 384,000
2019	\$ 150,000	\$ 42,000	\$ 192,000	\$ 576,000
2020	\$ 150,000	\$ 42,000	\$ 192,000	\$ 768,000
2021	\$ 150,000	\$ 42,000	\$ 192,000	\$ 960,000
2022	\$ 150,000	\$ 42,000	\$ 192,000	\$ 1,152,000
2023	\$ 150,000	\$ 42,000	\$ 192,000	\$ 1,344,000
2024	\$ 150,000	\$ 42,000	\$ 192,000	\$ 1,536,000
2025	\$ 150,000	\$ 42,000	\$ 192,000	\$ 1,728,000
2026	\$ 150,000	\$ 42,000	\$ 192,000	\$ 1,920,000
2027	\$ 150,000	\$ 42,000	\$ 192,000	\$ 2,112,000
2028	\$ 150,000	\$ 42,000	\$ 192,000	\$ 2,304,000
2029	\$ 150,000	\$ 42,000	\$ 192,000	\$ 2,496,000
2030	\$ 150,000	\$ 42,000	\$ 192,000	\$ 2,688,000
2031	\$ 150,000	\$ 42,000	\$ 192,000	\$ 2,880,000
			\$ 2,880,000	
2032	\$ 157,500	\$ 49,000	\$ 206,500	\$ 3,086,500
2033	\$ 157,500	\$ 49,000	\$ 206,500	\$ 3,293,000
2034	\$ 157,500	\$ 49,000	\$ 206,500	\$ 3,499,500
2035	\$ 157,500	\$ 49,000	\$ 206,500	\$ 3,706,000
2036	\$ 157,500	\$ 49,000	\$ 206,500	\$ 3,912,500
2037	\$ 165,000	\$ 49,000	\$ 214,000	\$ 4,126,500
2038	\$ 165,000	\$ 49,000	\$ 214,000	\$ 4,340,500
2039	\$ 165,000	\$ 49,000	\$ 214,000	\$ 4,554,500
2040	\$ 165,000	\$ 49,000	\$ 214,000	\$ 4,768,500
2041	\$ 165,000	\$ 49,000	\$ 214,000	\$ 4,982,500
			\$ 2,102,500	
2042	\$ 175,000	\$ 49,000	\$ 224,000	\$ 224,000
2043	\$ 175,000	\$ 49,000	\$ 224,000	\$ 448,000
2044	\$ 175,000	\$ 49,000	\$ 224,000	\$ 672,000
2045	\$ 175,000	\$ 49,000	\$ 224,000	\$ 896,000
2046	\$ 175,000	\$ 49,000	\$ 224,000	\$ 1,120,000

Notes:

2017-2031 Revenue Share increases to 1.5% of Gross from \$0 minimum \$42,000

2017-2031 Annual Payment increases to \$150,000

2032-2041 Annual Payment Increases by \$7,500 for 5 years and \$15,000 for balance

2032-2041 Revenue Share increases to \$49,000

2042-2046 Annual Payment increases to \$175,000

BLL constructs snack shack at its' cost with bathroom at 10th hole. Location coordinated w Parks

Snack shack design consistent with current building design subject to DPW approval

Re-routing of cart paths by Parks, all other costs by BLL

BMA creates revenue account with funding dedicated to parking lot construction (by DPW)

BLL responsible for solution if golf ball/parking lot problem arises

Capital reserve account created dedicated to DCC improvements throughout term at City's discretion

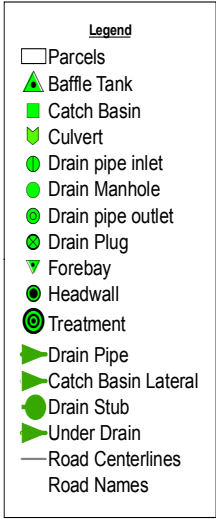
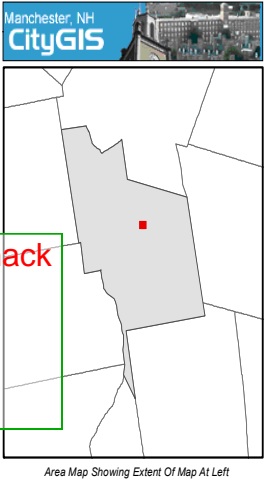
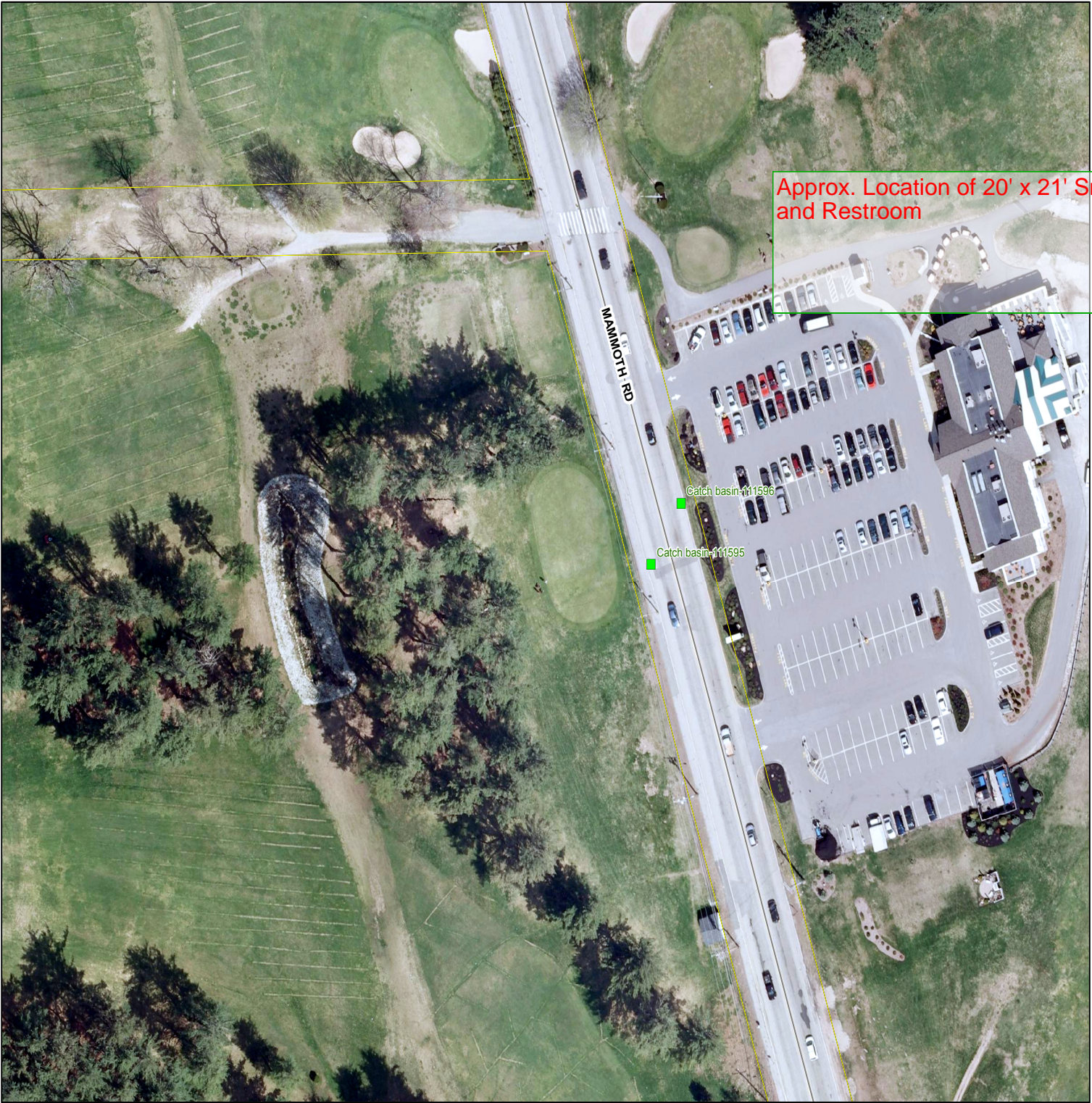
2042-2046 Additional 5-year extension by mutual agreement

Bill Original Proposal

	<u>Annual Payment</u>	<u>Profit Share</u>	<u>Total Annual</u>	<u>Running Total</u>
2017	\$ 144,000	\$ 42,000	\$ 186,000	\$ 186,000
2018	\$ 144,000	\$ 42,000	\$ 186,000	\$ 372,000
2019	\$ 144,000	\$ 42,000	\$ 186,000	\$ 558,000
2020	\$ 144,000	\$ 42,000	\$ 186,000	\$ 744,000
2021	\$ 144,000	\$ 42,000	\$ 186,000	\$ 930,000
2022	\$ 144,000	\$ 42,000	\$ 186,000	\$ 1,116,000
2023	\$ 144,000	\$ 42,000	\$ 186,000	\$ 1,302,000
2024	\$ 144,000	\$ 42,000	\$ 186,000	\$ 1,488,000
2025	\$ 144,000	\$ 42,000	\$ 186,000	\$ 1,674,000
2026	\$ 144,000	\$ 42,000	\$ 186,000	\$ 1,860,000
2027	\$ 144,000	\$ 42,000	\$ 186,000	\$ 2,046,000
2028	\$ 144,000	\$ 42,000	\$ 186,000	\$ 2,232,000
2029	\$ 144,000	\$ 42,000	\$ 186,000	\$ 2,418,000
2030	\$ 144,000	\$ 42,000	\$ 186,000	\$ 2,604,000
2031	\$ 144,000	\$ 42,000	\$ 186,000	\$ 2,790,000
			\$ 2,790,000	
2032	\$ 144,000	\$ 42,000	\$ 186,000	\$ 2,976,000
2033	\$ 144,000	\$ 42,000	\$ 186,000	\$ 3,162,000
2034	\$ 144,000	\$ 42,000	\$ 186,000	\$ 3,348,000
2035	\$ 144,000	\$ 42,000	\$ 186,000	\$ 3,534,000
2036	\$ 144,000	\$ 42,000	\$ 186,000	\$ 3,720,000
2037	\$ 144,000	\$ 42,000	\$ 186,000	\$ 3,906,000
2038	\$ 144,000	\$ 42,000	\$ 186,000	\$ 4,092,000
2039	\$ 144,000	\$ 42,000	\$ 186,000	\$ 4,278,000
2040	\$ 144,000	\$ 42,000	\$ 186,000	\$ 4,464,000
2041	\$ 144,000	\$ 42,000	\$ 186,000	\$ 4,650,000
			\$ 1,860,000	

Current Agreement						
CPI	Annual Payment	Profit Share	Total Annual	Running Total		
2017	\$	131,000	\$ 33,000	\$ 164,000	\$	164,000
2018	0.015	\$ 132,965	\$ 33,000	\$ 165,965	\$	329,965
2019	0.015	\$ 134,959	\$ 33,000	\$ 167,959	\$	497,924
2019	0.015	\$ 136,984	\$ 33,000	\$ 169,984	\$	667,908
2021	0.015	\$ 139,039	\$ 33,000	\$ 172,039	\$	839,947
2022	0.015	\$ 141,124	\$ 33,000	\$ 174,124	\$	1,014,071
2023	0.015	\$ 143,241	\$ 33,000	\$ 176,241	\$	1,190,312
2024	0.015	\$ 145,390	\$ 33,000	\$ 178,390	\$	1,368,702
2025	0.015	\$ 147,571	\$ 33,000	\$ 180,571	\$	1,549,272
2026	0.015	\$ 149,784	\$ 33,000	\$ 182,784	\$	1,732,057
2027	0.015	\$ 152,031	\$ 33,000	\$ 185,031	\$	1,917,087
2028	0.015	\$ 154,311	\$ 33,000	\$ 187,311	\$	2,104,399
2029	0.015	\$ 156,626	\$ 33,000	\$ 189,626	\$	2,294,025
2030	0.015	\$ 158,975	\$ 33,000	\$ 191,975	\$	2,486,000
2031	0.015	\$ 161,360	\$ 33,000	\$ 194,360	\$	2,680,360
Current Contract Expiration				\$	2,680,360	
2032	0.015	\$ 163,780	\$ 33,000	\$ 196,780	\$	2,877,140
2033	0.015	\$ 166,237	\$ 33,000	\$ 199,237	\$	3,076,378
2034	0.015	\$ 168,731	\$ 33,000	\$ 201,731	\$	3,278,108
2035	0.015	\$ 171,262	\$ 33,000	\$ 204,262	\$	3,482,370
2036	0.015	\$ 173,831	\$ 33,000	\$ 206,831	\$	3,689,200
2037	0.015	\$ 176,438	\$ 33,000	\$ 209,438	\$	3,898,638
2038	0.015	\$ 179,085	\$ 33,000	\$ 212,085	\$	4,110,723
2039	0.015	\$ 181,771	\$ 33,000	\$ 214,771	\$	4,325,494
2040	0.015	\$ 184,497	\$ 33,000	\$ 217,497	\$	4,542,991
2041	0.015	\$ 187,265	\$ 33,000	\$ 220,265	\$	4,763,256
				\$	2,082,896	

Current assumes terms extended as is for comparison purposes



DISCLAIMER

The information appearing on this map is for the convenience of the user and is not an official public record of the City of Manchester, NH (the "City"). This map is not survey-quality. All boundaries, easements, areas, measurements, rights-of-way, etc. appearing on this map should only be considered approximations, and as such have no official or legal value. The City makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this information for any particular use. The City assumes no liability whatsoever associated with the use or misuse of this information. The official public records from which this information was compiled are kept in the offices of various City, County, and State government agencies and departments, and are available for inspection and copying during normal business hours. By using this map, you agree to these terms and conditions.

ADDENDUM NUMBER FOUR
TO MANAGEMENT AGREEMENT

This Addendum to Management Agreement is made this _ day of _____, 2016 by and between CITY OF MANCHESTER, a duly organized municipal corporation, having an address of One City Hall Plaza, Manchester, New Hampshire, 03101, by and through its Parks, Recreation & Cemetery Department, having an address of 625 Mammoth Road, Manchester, County of Hillsborough and State of New Hampshire (hereinafter called "Owner"), and BLL RESTAURANT, INC., a New Hampshire Corporation having a principal place of business at 625 Mammoth Road, Manchester, County of Hillsborough and State of New Hampshire (hereinafter called ("Manager")).

WHEREAS, the Owner and Manager have entered into a certain Management Agreement dated December 13, 2002 regarding the construction and management of certain premises owned by the Owner at 625 Mammoth Road ("Management Agreement"); and

WHEREAS, the Owner and Manager have entered into an Addendum to Management Agreement dated March 14, 2003;

WHEREAS, the Owner and Manager have entered into an Addendum Number Two to Management Agreement dated October 8, 2004;

WHEREAS, the Owner and Manager have entered into an Addendum Number Two to Management Agreement dated _____, 2012, and

WHEREAS, the Owner and Manager desire to further amend certain terms of the Management Agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section 2 of the Management Agreement is further amended by adding the following to the end of the amended Section:

“In addition to the areas set forth above, the Premises shall also consist of separate building to be constructed at Manager’s cost on the west side of Mammoth Road adjacent to the 10th hole of the golf course as currently located, consisting of a refreshment stand and bathroom facility. Said building shall be constructed consistent with current design features subject to approval of the Department of Public Works. Owner shall be responsible for any relocation of cart paths; Manager shall be responsible for all other costs associated with the design, construction, maintenance, and utilities arising from the use of said building.”

2. Section 3. **TERM**: shall be amended by adding the following language to the end of Section 3 a.:

“The parties stipulated to a Commencement Date of August 4, 2005 by agreement dated August 10, 2005. The initial term is hereby extended ELEVEN (11) Years to expire on August 4, 2041. The term may be extended an additional FIVE (5) years upon written mutual agreement of Owner and Manager.”

3. Exhibit B shall be amended by deleting paragraph 2 and adding the following language:

“2. **Minimum Share of Revenue**. Beginning on January 1, 2017 the Manager shall pay the Owner on the first of every month a Minimum Share of Revenue according to the following schedule:

From January 1, 2017 to December 31, 2031 \$12,500 per month.

From January 1, 2032 to December 31, 2036 \$13,125 per month.

From January 1, 2037 to December 31, 2041 \$13,750 per month.

From January 1, 2042 to the expiration of this Agreement \$14,583 per month.”

4. Exhibit B shall be amended by deleting paragraph 3.c. and adding the following language:

“For the period beginning on January 1, 2017 and ending on December 31, 2031, the Percentage Share of Revenue shall be the greater of \$42,000 or the amount equal to 1.5% of Gross Revenue. For the period beginning on January 1, 2032 and ending upon the termination of this Agreement, the Percentage Share of Revenue shall be the greater of \$49,000 or the amount equal to 1.5% of Gross Revenue.”

5. Prior to January 1, 2017, Manager shall to continue to make all payments due to the Owner under the terms of the Agreement in effect prior to the date of this Addendum.

6. Owner shall create a revenue account with funding at its discretion dedicated to expansion and reconfiguration of the parking lot. Manager shall be responsible for resolving any conflict arising from said expansion and golf play.

7. Owner shall create a capital reserve account funded at its discretion dedicated to golf course maintenance and improvements.

8. Owner shall continue to plow the parking lot.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be signed by a duly authorized person on the day and year first above-Written.

BLL RESTAURANT, INC.

CITY OF MANCHESTER

By: _____
Michael Lanoie
Treasurer

By: _____
Hon. Theodore L. Gatsas
Mayor

By: _____
William Laberge
President